



**U.S. Customs and  
Border Protection**

DIS-2-OT:FD MT  
2011F01993

December 29, 2011

Jason Smathers  
P.O. Box 781  
Topock, AZ 86436-0781

Dear Mr. Smathers:

This is the final response to your Freedom of Information Act (FOIA) request to U.S. Customs and Border Protection (CBP), requesting all computer files responsive to a search for talking points on the computers assigned to Maria Luisa O'Connell or any other person directly or indirectly working for her. You requested only those records created on or after January 20, 2009. Please be advised that Ms. O'Connell did not assume her post until approximately August 1, 2009.

A search for CBP documents responsive to your request produced a total of 184 pages. Of 184 pages, 92 are being released since you are entitled to the first two hours of search time and up to 100 pages at no charge as an "all other" requester. CBP has determined that these pages are partially releasable pursuant to Title 5 U.S.C. § 552 (b)(6), (b)(7)(C), and (b)(7)(E). Enclosed are 92 pages partially redacted with exemptions described below.

**FOIA Exemption (b)(6)** exempts from disclosure personnel or medical files and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. This requires a balancing of the public's right to disclosure against the individual's right to privacy. The types of documents and/or information that we have withheld may consist of birth certificates, naturalization certificates, driver license, social security numbers, home addresses, dates of birth, or various other documents and/or information belonging to a third party that are considered personal. The privacy interests of the individuals in the records you have requested outweigh any minimal public interest in disclosure of the information. Any private interest you may have in that information does not factor into the aforementioned balancing test.

**FOIA Exemption (b)(7)(C)** protects records or information compiled for law enforcement purposes that could reasonably be expected to constitute an unwarranted invasion of personal privacy. This exemption takes particular note of the strong interests of individuals, whether they are suspects, witnesses, or investigators, in not being unwarrantably associated with alleged criminal activity. That interest extends to persons who are not only the subjects of the investigation, but those who may have their privacy invaded by having their identities and information about them revealed in connection with an investigation. Based upon the traditional recognition of strong privacy interest in law enforcement records, categorical withholding of information that identifies third parties in law enforcement records is ordinarily appropriate.

**FOIA Exemption (b)(7)(E)** protects records compiled for law enforcement purposes, the release of which would disclose techniques and/or procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law.

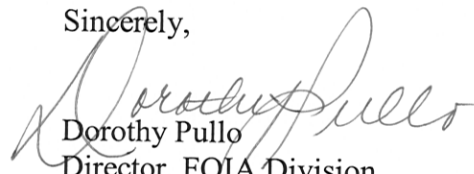
You have the right to appeal the above determination. Should you wish to do so, you must send your appeal and a copy of this letter, within 60 days of the date of this letter, to: FOIA Appeals, Policy and Litigation Branch, U.S. Customs and Border Protection, 799 Ninth Street, NW, Mint Annex, Washington, DC 20229-1179, following the procedures outlined in the DHS regulations at Title 6 CFR § 5.9. Your envelope and letter should be marked "FOIA Appeal." Copies of the FOIA and DHS regulations are available at [www.dhs.gov/foia](http://www.dhs.gov/foia).

The Office of Government Information Services (OGIS) also mediates disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. If you are requesting access to your own records (which is considered a Privacy Act request), you should know that OGIS does not have the authority to handle requests made under the Privacy Act of 1974. If you wish to contact OGIS, you may email them at [ogis@nara.gov](mailto:ogis@nara.gov) or call (877) 684-6448.

Provisions of the FOIA allow us to recover part of the cost of complying with your request. In this instance, because the cost is below the \$14 minimum, there is no charge.

Please notate file number **2011F01993** on any future correspondence regarding this request. If you have any questions, this office can be reached at (202) 325-0150.

Sincerely,

  
Dorothy Pullo  
Director, FOIA Division  
Office of International Trade

Enclosures



From:  
Sent:  
To:

(b)(6),(b)(7)(C)

Thursday, December 02, 2010 7:10 PM

(b)(6),(b)(7)(C)

; BERSIN, ALAN D.;

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

; O'CONNELL, MARIA L.

Subject:

Updated CBP Wrap

### TUCSON LEADERSHIP CHANGES

The Nogales International, Arizona Daily Star and ABC's El Paso affiliate station, KVIA-7, have each moved stories about the "reassignment" of Chief Patrol agent (b)(6),(b)(7)(C). The National Border Patrol Council is quoted, mentioning the Joint Command, Chief (b)(6),(b)(7)(C) and Chief (b)(6),(b)(7)(C) as incoming CBP leaders in the Tucson area. The Arizona Daily Star will have an updated story running tomorrow.

### EL PASO TIMES PURSUES LOCAL ANGLE ON GAO DRUG MONEY SMUGGLING REPORT

El Paso Times reporter (b)(6),(b)(7)(C) called late Tuesday, November 30 regarding frequency of outbound operations and the impact they have had in regards to seized currency to add local data to a national story on a GAO report on currency smuggling interdiction. The story ran yesterday:  
[http://www.elpasotimes.com/news/ci\\_16747037?IADID=Search-www.elpasotimes.com-www.elpasotimes.com](http://www.elpasotimes.com/news/ci_16747037?IADID=Search-www.elpasotimes.com-www.elpasotimes.com)

### Talking Points

U.S. Customs and Border Protection has reviewed the latest GAO Report 11-73, Moving Illegal Proceeds, and is currently undertaking steps to address each of their recommendations, specifically:

- CBP is collecting data to conduct effective cost benefit analyses to best allocate our resources in the outbound environment.
- CBP is analyzing policy and ensuring that a consistent standard operating procedure is established at each port of entry to strengthen officer safety while conducting outbound inspections.
- CBP is developing performance measures to accurately assess the effectiveness of our outbound programs and coordinate with other enforcement partners such as DOJ and Office of National Drug Control Policy to enhance our interdiction efforts.
- CBP Office of Field Operations recently convened a Southwest Border Outbound Working Group meeting in Laredo, Texas that will be addressing each of these action items.

CBP's increased focus on outbound inspections has significantly increased the cost of doing business for violent criminal organizations and will continue to serve as a valuable tool in our efforts to enforce smart, effective, and strategic border operations.

We will continue to conduct these operations as a means to deny, disrupt, and dismantle transnational criminal organizations attempting to conduct illicit cross-border activities at and between our ports of entry, and in support of the Government of Mexico's ongoing efforts to stem ongoing cartel-fueled violence.

CBP does not typically comment on the number, frequency or duration of outbound operations. CBP significantly increased outbound operations as a Secretary priority, announced in March 2009.

As of August of this year, CBP has seized \$40.9 million in illicit southbound cash along the Southwest border – a 16.1 percent increase over the same period during the previous year.

### **FAKE OUTS AND PHONIES IN WAMU RADIO**

CBP officers at Washington-Dulles International Airport provided an interview to reporter Kavitha Cardoza with WAMU Radio 88.5 in Washington, DC for the "Fake Outs and Phonies" show which will air tomorrow at 1 p.m. Ms. Cardoza's story is about the most common and unusual seizures and concealment methods encountered in the passenger environment by CBP officers at Dulles. Ms. Cardoza also asked about general CBP statistics at Dulles (passenger throughput, number of agriculture and other secondary inspections, bags inspected), use of K9s, assessed penalties and general concerns of prohibited products. A shortened version will run on Tuesday, Dec. 7 around 6:50 a.m. and 8:50 a.m.

#### *Talking Points*

The United States has been and continues to be a welcoming nation. CBP's dual mission is to facilitate travel in the United States while securing our borders, our people, and our visitors from terrorists and terrorist weapons that may cause harm.

CBP not only protects U.S. citizens and lawful permanent residents in the country but also wants to ensure the safety of our international travelers who come to visit, study, and conduct legitimate business in our country. We do this by denying the entry of individuals who have the intent to disrupt our free and open society.

Our dual mission is to facilitate travel in the United States while we secure our borders, our people and our visitors from those that would do us harm like terrorists and terrorist weapons, criminals, and contraband. CBP officers are charged with enforcing not only immigration and customs laws, but they enforce over 400 laws for 40 other agencies and have stopped thousands of violators of U.S. law.

(b)(6),(b)(7)(C)  
HQ Branch Chief  
Media Relations Division  
Office of Public Affairs  
Department of Homeland Security  
U.S. Customs and Border Protection  
Ronald Reagan Building  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229  
P: (b)(7)(E)

From: (b)(6),(b)(7)(C)

Sent: Tuesday, November 09, 2010 5:41 PM

To: (b)(6),(b)(7)(C) BERSIN, ALAN D.; (b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

; O'CONNELL, MARIA L.

(b)(6),(b)(7)(C)

Subject: Tomorrow's News

## HAJJ TRAVEL

ABC News and the Associated Press will run stories covering a group of people traveling to the Hajj. The group missed their flight to Saudi Arabia after their passports did not arrive in time for travel. Stories expected to be neutral.

### *CBP Statement*

CBP is committed to facilitating safe and legitimate travel while ensuring the safety of the traveling public. We encourage travelers to conclude arrangements for international travel well ahead of deadlines, including making sure all paperwork and travel documents are finalized.

### *Background:*

Specific information on individual travelers cannot be released due to the Privacy Act requirements and law enforcement purposes.

## UNMANNED AIRCRAFT SYSTEM (UAS) ON SOUTHWEST BORDER

CBS Evening News will air a two-minute piece during Katie Couric's program tonight that will focus on the Unmanned Aircraft System (UAS) and its role in border security along the Southwest Border. The piece was shot in mid-September, and focuses on the success rate of the UAS program and how it works in conjunction with the Office of Border Patrol. Positive tone expected.

### *Talking Points*

The Unmanned Aircraft System (UAS) costs \$18.5 million which includes: air vehicle, ground control station, antennas, EOIR sensor, radar, satellite bandwidth, systems spares, maintenance support, and ground support equipment.

UAS ops are less expensive than manned operations and provide greater duration.

Since March 2009, DHS has deployed an unprecedented number of resources, including "boots on the ground," infrastructure and technology to secure our borders. UAS provide U.S. Customs and Border Protection (CBP) with unique capabilities and serve as an important law enforcement force multiplier for our officers and agents on the ground.

CBP UAS is a strategic asset for homeland security operated at and beyond the Nation's borders to overcome threats moving towards the United States.

2/3/2011

The remotely piloted Predator B allows CBP Office of Air and Marine (OAM) to safely conduct missions in areas that are difficult to access or otherwise considered too high-risk for manned aircraft or for CBP personnel on the ground. The Predator B can fly up to 20 hours at a time.

## LAST MEETING OF THE 11<sup>th</sup> TERM COAC

Commissioner Bersin today hosted the last meeting of the 11<sup>th</sup> term Advisory Committee on Commercial Operations (COAC) of Customs and Border Protection (CBP). COAC is tasked with providing advice to the Secretary of Homeland Security (DHS), the Secretary of the Treasury, and the Commissioner of U.S. Customs and Border Protection on matters pertaining to the commercial operations of CBP and related functions within DHS or the Department of the Treasury. The meeting was open to the public/media. Media attendance included American Shipper, BNA International Trade Reporter, and Washington Trade Daily.

### *Talking Points*

We acknowledge the hard work of the 11<sup>th</sup> term COAC. Since 2008 this committee has provided advice and comments on many topics and made 70 recommendations.

Recently CBP announced two pilot programs that grew from COAC recommendations regarding Manage by Account. Both pilots commenced this month on November 1<sup>st</sup>.

First, the Center of Excellence and Expertise. This pilot will develop strategies to facilitate trade and manage risk within the pharmaceutical industry.

Second, the Account Executive pilot will engage trusted partners in the electronics industry to facilitate trade and ensure continued compliance with all import requirements.

Account Executive will help CBP to formalize an account-based approach to dealing with trusted, low-risk trade partners. We want to remove barriers for our trusted partners and enable our agency to focus on higher-risk companies and shipments.

CBP and the trade community, including COAC, must fully engage as we consider additional measures to build security and expedite trade.

(b)(6),(b)(7)(C)

HQ Branch Chief  
Media Relations Division  
Office of Public Affairs  
Department of Homeland Security  
U.S. Customs and Border Protection  
Ronald Reagan Building  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

P

(b)(7)(E)

(b)(7)(E) @dhs.gov

www.cbp.gov.

2/3/2011

From: (b)(6),(b)(7)(C)

Sent: Monday, November 08, 2010 5:40 PM

To: (b)(6),(b)(7)(C); BERSIN, ALAN D.; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

O'CONNELL, MARIA L.

(b)(6),(b)(7)(C)

Subject: Tomorrow's News

## REUTERS—TIM GAYNOR

Tim Gaynor of *Reuters* saw a story in the *Arizona Daily Star* about the Tucson Sector's "Se Busca (Information Wanted)" campaign. Mr. Gaynor wanted to follow up with this story and it is expected to print November 9, 2010. The anticipated tone is neutral to positive.

### Talking Points

All of the individuals in the photos are people of interest to the Border Patrol due to their affiliation with smuggling organizations.

Members of the community can help by immediately notifying the Border Patrol when an individual on the flyer is recognized. Any members of the community with information on the people displayed are encouraged to call 1-877-872-7435. ALL CALLS WILL REMAIN ANONYMOUS.

The Border Patrol strives to make smuggling very difficult for the smugglers on the flyer by implementing the Se Busca campaign. By increasing the public's awareness and decreasing community tolerance of illegal activity, the Border Patrol would like to ultimately drive these smugglers out of business.

With our apprehension numbers decreasing we can now focus on the criminal element.

### NATIONAL GUARD DEPLOYMENT

Sarah Carter, national security reporter for the *Washington Examiner* is writing a story on the National Guard deployment to the Southwest Border with a nexus to the tunnel discovery in San Diego. The story is expected to be published tomorrow. Neutral to positive tone expected.

### Talking Points

On August 1st the National Guard deployed 1,200 to the border to significantly bolster and support our ability to further enhance border security. Specifically, National Guard personnel will assist CBP by:

- Providing intelligence, surveillance and reconnaissance support to our agents and officers on the ground;
- Helping operate remote video surveillance systems as well as mobile surveillance systems while in communication with agents in the field;
- Contributing intelligence analysis and immediate support to our counter-narcotics enforcement efforts and;
- Adding personnel support until CBP can recruit and train additional officers and agents to serve on the border.

National Guard deployment breakdown by state: AZ 524; CA 224; NM 72; TX 250; 130 for Command and Control.

The deployment of National Guard will supplement our work force while we train and deploy additional resources to the Southwest border, approximately 2,200 additional personnel by the end of fiscal year 2011.



(b)(6),(b)(7)(C)

From:

(b)(6),(b)(7)(C)

Sent:

Saturday, November 06, 2010 11:11 AM

To:

(b)(6),(b)(7)(C)

; BERSIN, ALAN D.;

(b)(6),(b)(7)(C)

Cc:

(b)(6),(b)(7)(C)

Subject:

O'CONNELL, MARIA L.;

(b)(6),(b)(7)(C)

Tomorrow's News

#### HAJJ TRAVEL

Washington Post reporter Tara Bahmanpour is expected to move a story covering 17 people traveling to the Hajj. They missed their flight to Saudi Arabia after their passports did not arrive in time for travel. The following points were provided to the Washington Post on background.

#### Talking Points

Specific information on individual travelers cannot be released due to the Privacy Act requirements and law enforcement purposes.

As part of our mission, CBP is committed to facilitating safe and legitimate travel which is enhanced through working with partners in both the public and private sector.

In some cases, CBP is provided by a commercial carrier with parcels for routine verification. Once a parcel is determined to be safe and lawful, CBP works with the commercial carrier to expedite delivery.

CBP makes every effort to minimize any delays in facilitating travel while still ensuring safety.

In cases where travel has been delayed, CBP may work with the airlines to facilitate alternative travel of those affected.



(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)  
Sent: Friday, November 05, 2010 7:52 AM  
To: (b)(6),(b)(7)(C)  
Cc: O'CONNELL, MARIA L.  
Subject: Re: C-1 Media

(b)(7)(E)

#### P-3 25TH ANNIVERSARY

CBP Office of Air and Marine P-3 program hosted a 25th anniversary ceremony at our facilities on the Naval Air Station in Corpus Christi, Texas. Local ABC and NBC affiliate attended the open press event prior to the ceremony to speak to the P3 Director of Air Operations and showcase the history of the program and are expected to air stories tonight. Positive tone expected.

#### Talking Points

U.S. Customs and Border Protection (CBP), Office of Air and Marine (OAM) operates 16 Lockheed Martin P-3 Orion maritime patrol aircraft out of two centers strategically located in Corpus Christi, Texas and Jacksonville, Florida.

In 23 years, the P-3 program has seized or disrupted close to 1.9 million pounds of drugs and flown over 120 thousand hours.

OAM P-3 aircraft marked a record year in FY 2009, contributing to the seizure or disruption of 257,242 pounds of cocaine.

In FY 2009, the OAM P-3 program seized or disrupted more than \$3.2 billion of contraband.

In FY 2009 OAM P-3s were instrumental in identifying eight of the 10 JIATF-S self propelled semi-submersible (SPSS) cases.

In FY 2009 OAM P-3's were instrumental in the seizure of 28 vessels, one aircraft, two vehicles, the apprehension of 58 undocumented aliens, and 137 arrests.

#### KFOX REPORTS ON JOINT TASK FORCE (JTF) NORTH PROJECT 19 CANYON ALL WEATHER ROAD (AWR)

KFOX will air a story tonight regarding Joint Task Force (JTF) North and the support provided by military engineers in the development and construction of roads in the El Paso Sector area of operations for the U.S. Border Patrol. Phase I of Project 19 Canyon all weather road (AWR) began in the boot heel area of New Mexico Oct. 12 and is slated to continue thru Nov. 14. KFOX reporter Phil Anaya conducted an interview with U.S. Customs and Border Protection (CBP) El Paso Chief Patrol Agent Randy R. Hill regarding the ongoing operations of this project. Neutral tone expected.

## Talking points

The El Paso Sector area of operations (AOR) includes 268 linear border miles and more than 125,500 square miles of territory, which consists of the entire state of New Mexico and portions of the two westernmost counties of West Texas. Much of this territory consists of rural and remote areas with extreme mountainous and rugged terrain.

Currently, both illegal immigrants and narcotic smuggling organizations take advantage of the mountainous terrain in the Boot Heel area of New Mexico to conceal themselves from U.S. Customs and Border Protection (CBP) Border Patrol agents in the field.

CBP is pursuing national security with an unprecedented sense of urgency, making historic investments in resources to combat illegal immigration activity and the smuggling of drug contraband and/or instruments of terror from entering the United States. This has forced criminal organizations to find new routes and build new strategies in their efforts to conduct illegal activity in the El Paso Sector, New Mexico AOR.

The assistance by Joint Task Force North (JTF North) military engineers in the construction of additional roadways will work to strengthen and multiply our effectiveness in these remote environments of the Boot Heel area of New Mexico where extreme mountainous and rugged terrain exists.

JTF North routinely provides support to the U.S. Border Patrol Sectors along both the southern and northern borders of the United States.

Since the 1980's, CBP Border Patrol has successfully utilized various elements of JTF-North military units in a support capacity with a variety of engineering and construction projects along the southwestern border desert environment.

JTF North's efforts have led to both a greater recognition of the potential for military assistance in homeland security and a significant expansion of the partnership among the military and the U.S. Border Patrol.

The military personnel who perform the homeland security support missions operate strictly in a support role. Federal law and policy prohibit the use of active duty and reserve military personnel in a direct law enforcement capacity.

----- Original Message -----

From: (b)(6),(b)(7) [REDACTED]  
To: (b)(6),(b)(7)(C) [REDACTED]  
Sent: Fri Nov 05 06:17:36 2010  
Subject: C-1 Media

(b)(6),(b)(7)  
(C)

(b)(7)(E)

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)  
Sent: Thursday, November 04, 2010 5:38 PM  
To: (b)(6),(b)(7)(C)  
Cc: (b)(6),(b)(7)(C); O'CONNELL, MARIA L.  
Subject: FW: (b)(6),(b)(7)(C) ACE talking points

(b)(6),(b)(7)(C)

(b)(7)(E)

(b)(6),(b)(7)(C)

From: (b)(6),(b)(7)(C)  
Sent: Thursday, November 04, 2010 10:31 AM  
To: O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
Cc: (b)(6),(b)(7)(C)  
Subject: (b)(6),(b)(7)(C) ACE talking points

**Trade Support Network:** U.S. Customs & Border Protection (CBP) established the Trade Support Network (TSN) in 1994 to provide a forum for the discussion of significant Modernization efforts with the trade community. There are approximately 300 members of the TSN that represent the entire breadth of the trade community, including trade associations, importers, exporters, brokers, carriers, sureties and others. When CBP entered a phase of development for the Automated Commercial Environment (ACE) where timely, focused input from the trade became critical, the TSN committee structure was established. The committees provide information relating to specific business processes to CBP, including ACE requirement recommendations. These committees are formed and disbanded in parallel with the stages of ACE development. Many of the committees have formed subcommittees to concentrate expertise in a specific area, such as drawback, bonds, Foreign Trade Zones, etc

## ACE Talking Points

### ROLE OF THE AUTOMATED COMMERCIAL ENVIRONMENT BUSINESS OFFICE

- The Automated Commercial Environment (ACE) Business Office (ABO) is responsible for coordinating with all the ACE stakeholders and customers to ensure their requirements are collected and delivered to the Cargo Systems Program Office (CSPO) organization for the development, maintenance, and deployment of ACE capability. Requirements gathering supports the needs of CBP, other government agencies, and the trade community regarding the importation, exportation, and control of merchandise shipments.
- Among the ABO's top priorities are reengaging and reenergizing stakeholders.
  - Stakeholder support and collaboration is vital to the successful development and implementation of ACE.
- Recent efforts to engage and reenergize stakeholders have included:
  - An ACE Summit with CBP leadership, including the Deputy Commissioner and all Assistant Commissioners, to stress the importance of ACE, how it impacts every office within the agency, and how the agency can ensure its success.
  - Trade Support Network and Trade Leadership Council meetings to engage the trade community on ACE's status and plans going forward.
  - The Import Safety Conference to highlight CBP's commitment to the International Trade Data

System (ITDS) initiative and the role all agencies with a role in determining the admissibility of cargo play in its success. .

- The next major ACE development project will be Cargo Release capabilities.
  - Cargo Release functionality will incorporate the informational and operational requirements of more than 40 federal agencies into ACE via the ITDS initiative.
  - This will be a three-year effort, consisting of one year for building requirements and two for development, testing, and implementation.
  - The timeline for the Cargo Release effort is dependent upon securing funding and having a new development contract in place.

## **PARTNERSHIPS WITH PARTICIPATING GOVERNMENT AGENCIES**

- Development continues on the International Trade Data System (ITDS) priorities.
  - Document Imaging:
    - CBP successfully demonstrated an imaged document being submitted by the trade and viewed by several government agencies at last week's Import Safety Conference
    - Very close to rolling out this tool with the Food and Drug Administration to meet additional needs of this agency in the import process
  - Standard Data Set:
    - We are working to establish a project timeline and are coordinating closely with the ITDS Board of Directors to understand the needs of each of the individual agencies
    - Beginning the trade outreach that will be vital to a successful implementation
    - Proposed message set presented to the ITDS Board of Directors chair
    - Project acquisition timeline is being developed based on requirements provided to the Cargo Systems Program Office (CSPO).
  - PGA Interfaces/Interoperability
    - Formulating requirements for a web service to deliver existing entry data from the legacy system (ACS).

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, November 04, 2010 9:00 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: Please provide input for DHS report

(b)(6),(b)(7) – Please see below.

(b)(6),(b)(7)(C)  
Client Rep Branch  
CTOD, ABO, OT  
Customs & Border Protection

(b)(6),(b)(7)(C)

---

**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, November 03, 2010 5:37 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** Please provide input for DHS report

## MODERNIZING CBP's IMPORT SYSTEM

U.S. Customs and Border Protection ACE Business Office Executive Director Cindy Allen will participate tomorrow in a media teleconference held by members of the Trade Support Network Trade Leadership Council. They will discuss the role of the CBP ACE Business Office, the ITDS functionality, and the trade perspective and assessment of "next steps" for ACE.

### Talking Points

#### **ROLE OF THE AUTOMATED COMMERCIAL ENVIRONMENT BUSINESS OFFICE**

- The Automated Commercial Environment (ACE) Business Office (ABO) is responsible for coordinating with all the ACE stakeholders and customers to ensure their requirements are collected and delivered to the Cargo Systems Program Office (CSPO) organization for the development, maintenance, and deployment of ACE capability. Requirements gathering supports the needs of CBP, other government agencies, and the trade community regarding the importation, exportation, and control of merchandise shipments.
- Among the ABO's top priorities are reengaging and reenergizing stakeholders.
  - Stakeholder support and collaboration is vital to the successful development and implementation of ACE.
- Recent efforts to engage and reenergize stakeholders have included:
  - An ACE Summit with CBP leadership, including the Deputy Commissioner and all Assistant Commissioners, to stress the importance of ACE, how it impacts every office within the agency, and how the agency can ensure its success.
  - Trade Support Network and Trade Leadership Council meetings to engage the trade community on ACE's status and plans going forward.
  - The Import Safety Conference to highlight CBP's commitment to the International Trade Data System (ITDS) initiative and the role all agencies with a role in determining the admissibility of cargo play in its success.
- The next major ACE development project will be Cargo Release capabilities.
  - Cargo Release functionality will incorporate the informational and operational requirements of more than 40 federal agencies into ACE via the ITDS initiative.
  - This will be a three-year effort, consisting of one year for building requirements and two for development, testing, and implementation.
  - The timeline for the Cargo Release effort is dependent upon securing funding and having a new development contract in place.

#### **PARTNERSHIPS WITH PARTICIPATING GOVERNMENT AGENCIES**

- Development continues on the International Trade Data System (ITDS) priorities.
  - Document Imaging:
    - CBP successfully demonstrated an imaged document being submitted by the trade and viewed by a government agency at last week's Import Safety Conference
    - Very close to rolling out this tool with the Food and Drug Administration to meet additional needs of this agency in the import process
  - Standard Data Set:



- We are working to establish a project timeline and are coordinating closely with the ITDS Board of Directors to understand the needs of each of the individual agencies
- Beginning the trade outreach that will be vital to a successful implementation
- Proposed message set presented to the ITDS Board of Directors chair
- Project acquisition timeline is being developed based on requirements provided to the Cargo Systems Program Office (CSPO).
- PGA Interfaces/Interoperability
  - Formulating requirements for a web service to deliver existing entry data from the legacy system (ACS).

Thanks.

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)

**Sent:** Wednesday, November 03, 2010 5:14 PM

**To:** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Cc:** (b)(6),(b)(7)(C)

**Subject:** Any other tomorrow's news?

(b)(7)(E)

## BORDER PATROL SUICIDES

*Tim Vanderpool* from the *Tucson Weekly* is expected to publish two follow up stories on Border Patrol suicides. One tomorrow, Thursday, November 4 and one next Thursday, November 11. His original story titled "Secret Suicides" was published on October 14, and piggy backed of an AP story about Border Patrol suicides in August. His initial story was negative and maintained that the Border Patrol does not do enough for its agents. Since his initial article he has been provided CBP statistics and Border Patrol specific statistics on suicides. Although we have attempted to keep the messaging at the CBP level, Mr. Vanderpool continues to focus on Border Patrol. It is expected that his next two stories will focus on specific Border Patrol suicides where he has spoken to family members and union representatives. Negative tone expected.

CBP statement from Assistant Commissioner (b)(6),(b)(7)(C), Office of Human Resources Management. "U.S. Customs and Border Protection (CBP) utilizes a multi-pronged approach as part of its HealthierCBP program to provide support to employees when the challenges of life seem overwhelming. In addition to the Employee Assistance Program (EAP) counseling service, the Office of Border Patrol (OBP) has a Peer Support Program (PSP) and a Chaplaincy Program. Both programs are internally-based avenues of support that all CBP employees can use for counseling support and assistance. The PSP maintains a network of trained Peer Support Members (PSMs) available to employees and their family members to address personal issues or stressors unique to CBP. The Chaplaincy Program provides a non-denominational resource for spiritual guidance, counseling, and assistance to Border Patrol Agents, other employees, and their immediate families in both crisis and non-crisis situations."

*Talking Points*

Even one suicide is too many.

U.S. Customs and Border Protection (CBP) utilizes a multi-pronged approach as part of its HealthierCBP program to provide support to employees when the challenges of life seem overwhelming.

Since December 2009, over 2,000 people have utilized CBP's EAP services. This equates to a utilization rate of over 10 percent. This utilization rate exceeds the national average for EAP utilization, which is 5 – 7 percent. Seventy-two percent of the cases are self-referrals, which mean the employees are not referred by their supervisors. Many of the self-referrals involve substance abuse, alcohol abuse, and marriage and relationship problems

In addition to the EAP counseling service, the Office of Border Patrol (OBP) has a Peer Support Program (PSP) and a Chaplaincy Program. Both programs are internally-based avenues of support that all CBP employees can use for counseling support and assistance.

CBP does not provide specific information or make comments on individual cases.

Of the 33 employees who died by suicide from 2007 until September 2010, 15 were Border Patrol Agents, 15 were CBP Officers, and 3 were employees in other job series who were neither agents nor officers.

## **IMPORTING FABRIC FROM MYANMAR**

*Wall Street Journal* will publish online tonight and in the paper tomorrow a story on the transformation of raw fabric into the lining of an Italian suit. The raw fabric originates from Burma/Myanmar, a U.S. sanctioned country. The transformation changes the country of origin allowing the fabric to be imported into the U.S.

### *Talking Points*

The Office of Foreign Assets Control ("OFAC") of the US Department of the Treasury administers and enforces economic and trade sanctions

With certain exceptions, goods of Burmese origin, pursuant to rules of origin of U.S. Customs and Border Protection, may not be imported into the United States.

A November 2003 ruling allows Burmese lumber to be used in the production of a product in a third country that is allowed to be imported as long as CBP determined the country of origin of the finished product was not Burma.

The same principle may apply to Burmese fabric. However, U.S. Customs and Border Protection is the primary authority that could ultimately determine whether or not a good is of Burmese origin.

(b)(6),(b)(7)(C)

Media Relations Division  
Office of Public Affairs  
Department of Homeland Security  
U.S. Customs and Border Protection  
Ronald Reagan Building  
1300 Pennsylvania Avenue, NW  
Washington, DC 20229

(b)(7)(E)

(b)(7)(E) @dhs.gov



**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, October 27, 2010 6:03 PM  
**To:** (b)(6),(b)(7)(C); O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: Border Patrol To Launch Campaign To Thwart Illegal Crossings - Tucson, AZ- (b)(7)(E)

## "Se Busca" Talking Points

- The purpose of the "Se Busca" campaign is to gather information that could lead to apprehensions of persons involved in smuggling organizations across the Tucson Sector.
- This campaign was initiated in the San Diego Sector with great success.
- Current photographs of known smugglers will be displayed on flyers and billboards throughout communities in the Tucson Sector.
- By displaying the identities of these individuals on flyers and billboards, it hampers their ability to operate anonymously in the Tucson Sector.
- This is an opportunity for the community to not only assist the Border Patrol, but to be a part of stopping these criminal organizations from operating in our communities.
- Any members of the community with information on the smugglers displayed are encouraged to call 1-877-872-7435. ALL CALLS WILL REMAIN ANONYMOUS.
- The Border Patrol is not offering a reward for information received on these subjects, however the public is encouraged to call in order to improve the quality of life in our communities. Again, all calls will remain anonymous.

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**From:** (b)(6),(b)(7)(C) [mailto:(b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Monday, October 25, 2010 8:49 PM  
**To:** O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Fw: Border Patrol To Launch Campaign To Thwart Illegal Crossings - Tucson, AZ- (b)(7)(E)

(b)(7)(E)

(b)(7)(E)

---

**From:** (b)(7)(E)  
**To:** (b)(7)(E)  
**Sent:** Mon Oct 25 20:45:20 2010  
**Subject:** Border Patrol To Launch Campaign To Thwart Illegal Crossings - Tucson, AZ- (b)(7)(E)

### NOC Media Monitoring Capability - Traditional Media

**Title:** Border Patrol to launch "Information Wanted" campaign  
**Location:** Tucson, Arizona

(b)(7)(E) Identifying events with operational value...corroborating critical information

### Excerpt from News Article:

The Tucson Sector Border Patrol is launching a new campaign aimed at getting the public's assistance in providing leads and information.

An official with the Border Patrol says "Se Busca Informacion," or Information Wanted in

English, will begin with flyers and billboards depicting individuals of interest in various border patrol investigations.

"We are seeking the public's help to identify persons of interest so the Border Patrol can find, arrest and prosecute," a border patrol official said. "To the smugglers the message is that you will no longer be able to remain anonymous. Se Busca Information allows the community as a whole to work together to bring smugglers to justice. "

The Border Patrol says these posters and billboards will be on display at ports of entry and checkpoints, and will be updated as information is received and cases are resolved.

**Sources** (some page content may change or not be available over time):

- **KVOA**

-- <http://www.kvoa.com/news/border-patrol-to-launch-information-wanted-campaign/>

(b)(6),(b)(7)(C)

**Operations Analyst**

**DHS NOC Media Monitoring**

**Phone:** (b)(7)(E)

**Cell:** (b)(7)(E)



U.S. Customs and  
Border Protection

# Talking Points

## DHS Support for Mexico's Battle Against Cartels

- Over the past year and a half, the Department of Homeland Security (DHS) has made significant progress in improving border security. By dedicating unprecedented resources to the Southwest border in terms of manpower, technology, and infrastructure, we have fundamentally transformed the state of U.S. border security.
- The partnerships we have formed with Mexico are unprecedented in the history of our countries, strengthening intelligence and information sharing and joint law enforcement efforts against cartel violence.
- **In June 2009**, Secretary Napolitano signed a Letter of Intent with Mexican Secretary of Finance Agustín Carstens providing for further cooperation in the areas of enforcement, planning, and trade facilitation along the Southwest border.
- **In September 2009**, the U.S. and Mexico signed a bilateral agreement for a new cross border communications network for public safety and law enforcement organizations which will improve securing along the shared border by allowing participating federal, state, local, and tribal public safety organizations to coordinate incident response.
- **In October 2009**, the U.S. and Mexico agreed to launch the Nogales Controlled Substances Program, aimed at reducing narcotics smuggling along Arizona's border with Mexico. This is the first agreement of its kind between the governments of the United States and Mexico.
- **In November 2009**, Department of Homeland Security (DHS) officials met with their counterparts from the Mexican Ministry of Finance and Public Credit (SHCP) to outline joint initiatives to combat transnational crime, increase law enforcement collaboration and increase the secure flow of travel and trade along the U.S.-Mexico border. During the meeting, U.S. and Mexican officials agreed to formalize the Bi-national Port Security Committee to improve open and regular communication along the Southwest border—a significant step toward deterring violence at and near land ports of entry. These committees will address cross-border operational, safety and security issues.
- **In December 2009**, Secretary Napolitano signed an updated and enhanced Declaration of Principles (DOP) with Mexican Secretary of Finance and Public Credit (SHCP) Agustín Carstens—accomplishing the goals they outlined in June to create a joint U.S.-Mexico framework to improve security along the SWB and facilitate the flow of legitimate travel and trade.
- **In February 2010**, Secretary Napolitano signed a Declaration of Principles of Cooperation with Mexican Secretary of Public Safety (SSP) Genaro García Luna on joint efforts to secure the U.S.-Mexico border and share information about transnational threats while streamlining legitimate travel and trade. This declaration will allow the United States and Mexico to build on past and current efforts by promoting:
  - Sharing law enforcement information and intelligence;
  - Developing common priorities;
  - Producing joint strategic plans; and



## U.S. Customs and Border Protection

- Conducting joint operations, while respecting each nation's sovereignty, jurisdictions, and authorities.
- **In February 2010**, Secretary Napolitano signed a letter of intent with Secretary Gómez-Mont to coordinate closely on a number of mutual aviation security initiatives—including deploying enhanced airport screening technologies, strengthening passenger information sharing, and ensuring passengers have proper travel documents.
- **In March 2010**, Secretary Napolitano signed two arrangements to bolster aviation and border security between the United States and Mexico.
  - The first arrangement formally establishes the Joint Security Program for Travelers (JSP), which enhances information sharing and best practices between the United States and Mexico regarding the identification of potential terrorists or other dangerous criminals traveling by air through Mexico City International Airport and builds a foundation for future JSP expansion to additional Mexican airports—bolstering both nations' abilities to thwart acts of terrorism and protect against travel document fraud.
  - The second arrangement, signed with both Secretary Gómez-Mont and Secretary of Public Safety Genaro García Luna, will enable DHS to electronically share some criminal history information with Mexican law enforcement about Mexican nationals who are being repatriated from the United States and who have been convicted of certain felonies in the United States—providing the seamless transmission of vital security information in order to ensure the safety and security of citizens of both countries.
- **How is DHS working with Mexico to ensure the mutual security of both countries?**
  - **Suggested response:** The partnerships we have formed with Mexico are unprecedented in the history of our countries.
  - We are strengthening intelligence and information sharing and joint law enforcement efforts against cartel violence.
  - Among the historic arrangements I have signed in the past year, Mexico and the U.S. are moving forward on sharing cartel-related intelligence, as well as the criminal history of people possible connected to cartels.
- **Though you say crime in border cities has remained flat you can't deny the violence and chaos we see on the news. How are you dealing with the threat of "spillover violence?"**
  - **Suggested response:** We support Mexico in building effective law enforcement.
  - We continue to take a multi-pronged federal approach against the cartels.
    - DHS, DOJ and ONDCP have partnered to tackle drug smuggling.
    - DHS and DOJ are working together to combat arms and drug trafficking.
  - Our engagement with state and local law enforcement has never been stronger.
    - We reach out extensively to police departments and sheriff's offices.
    - We have announced millions in Stonegarden grants for border states.
    - We are sharing information and intelligence better than ever through fusion centers.
- **Do you believe that President Calderón's handling of cartel violence in Ciudad Juarez and elsewhere near the border is failing?**



## U.S. Customs and Border Protection

- **Suggested response:** We are engaged in an unprecedented level of cooperation with the Government of Mexico and we are committed to supporting President Calderon in his courageous fight against drug trafficking organizations.
- The cartels in Mexico are engaged in an armed, violent struggle to control shrinking drug routes and territories—they are targeting and killing rival cartel members, innocent Mexican civilians, police, and senior government officials, among others.
- We are not, however, seeing any indications of similar violence here in the United States.
- We will continue to work with President Felipe Calderón and his government to break the power of the drug trafficking organizations that operate by causing violence and fear.
- This is a mutual responsibility as these issues effect the security of both our countries.

### IF ASKED:

#### Falcon Lake

"Over the past nineteen months, this Administration has dedicated unprecedented manpower, technology and infrastructure to the Southwest border. Seizures of illicit goods are up across the board, illegal crossings are down, and the Border Patrol is better staffed than at any time in its 86-year history. Though drug cartels are engaged in an armed, violent struggle to control shrinking drug routes and territories in Mexico, we are not, however, seeing any indications of similar violence here in the U.S. We will continue to work with our federal, state, local, tribal, and Mexican partners to keep our communities safe."

#### On Background:

- This alleged crime took place in Mexico
- We are coordinating with our Mexican partners on the issue but are not directly involved in the recovery/search at this time.
- CBP has an International Liaison Unit (ILU) and we coordinate daily with Mexican counterparts to address threats to our shared border.
- The Border Patrol is better staffed than at any time in its 86-year history, having nearly doubled the number of agents from approximately 10,000 in 2004 to more than 20,500 today. Immigration and Customs Enforcement (ICE) has also deployed a record number of agents to the Southwest border with more than a quarter of its personnel deployed in this region, doubling the number of agents assigned to Border Enforcement Security Task Forces and tripling the number of ICE intelligence analysts working along the U.S.-Mexico border. Further, President Obama has ordered the deployment of 1,200 National Guard troops to the Southwest border to contribute additional capabilities and capacity to assist law enforcement agencies
- In addition to efforts already undertaken, the President has authorized the deployment of an additional 1,200 National Guard troops to the border to provide intelligence surveillance and reconnaissance, and immediate support to counternarcotics enforcement while Customs and Border Protection recruits and trains additional officers and agents to serve on the border. The





## U.S. Customs and Border Protection

Administration is dedicating \$600 million in new funding to enhance security technology at the border, share information and support with state, local, and tribal law enforcement, and increase federal law enforcement activities at the border. That effort will include the deployment of more agents, investigators, and prosecutors as part of a coordinated effort with states and cities to target illicit networks trafficking in people, drugs, illegal weapons, and money.

### **Indian Nationals Apprehended**

- Recently, we've seen a trend in Indian nationals being apprehended by the Border Patrol, mostly in South Texas. This could be based on many factors and our intelligence analysts are looking at that data now to determine possible causes and indicators. Whatever the case may be, it appears that well organized smuggling organizations are taking advantage by recruiting Indian nationals to be smuggled into the United States.
- Recent trends show that these smuggling organizations have used transportation hubs as a way point before moving Chinese nationals to Hermosillo, Sonora, Mexico.
- With the current decline in illegal cross border activity, smuggling organizations may see the smuggling of "other than Mexican" nationals as a business opportunity. Average smuggling rates for OTM's far exceed those of Mexicans and Central and South Americans. OTM's being smuggled into the U.S. pay on average ten times the amount charged to Mexicans and aliens from Central and South America.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, October 20, 2010 8:11 AM  
**To:** O'CONNELL, MARIA L.  
**Subject:** Fw: GAO Report on SBInet - released today  
**Attachments:** TPs - GAO Report on SBInet - 10-18-10 FINAL.doc

(b)(7)  
(E)

**From:** (b)(6),(b)(7)(C) @dhs.gov>  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Sent:** Mon Oct 18 13:52:07 2010  
**Subject:** FW: GAO Report on SBInet - released today

(b)(7)(E)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, October 18, 2010 1:31 PM  
**To:** (b)(6),(b)(7)(C)  
**Subject:** GAO Report on SBInet - released today

(b)(7)  
(E)

(b)(6)

## **GAO Report on SBInet DHS Needs to Strengthen Management and Oversight of its Prime Contractor**

### **Background**

From June 2009 to October 2010, GAO examined the extent to which DHS (1) defined and implemented effective controls for managing and overseeing the prime contractor and (2) effectively monitored the contractor's progress in meeting cost and schedule expectations.

GAO found that DHS has largely defined but has not adequately implemented controls needed to effectively manage and oversee its SBInet prime contractor. DHS has defined a number of key policies and procedures for verifying and accepting contract deliverables and conducting technical reviews and has implemented some of these practices; however, DHS has not effectively implemented other controls. Further, GAO found that DHS has not effectively monitored the SBInet prime contractor's progress in meeting cost and schedule expectations.

GAO makes four recommendations to improve DHS management and oversight of the SBInet prime contractor:

1. Revise and implement, as applicable, contractor deliverable review processes and practices to ensure that contractor deliverables are thoroughly reviewed and are not



constrained by late contractor deliverables and imposed milestones; the reviews are sufficiently documented; and the acceptance or the rejection of each contractor deliverable is communicated in writing to the contractor, to include explicit explanations of the basis for any rejections.

2. Ensure that applicable entry and exit criteria for each technical review are used and satisfied before initiating and concluding a given review.
3. Establish and validate timely, complete and accurate performance measurement baselines for each new task order or major modification of an existing task order, as appropriate, ensuring that the work breakdown structure includes all work to be performed; baseline schedules reflect the key schedule estimating practices discussed in this report; and level-of-effort performance measurement in excess of 15 percent is scrutinized, justified, and minimized.
4. Ensure that all anomalies in contractor-delivered monthly earned value management reports are identified and explained, and report periodically to DHS Headquarters acquisition leadership on relevant trends in the number of unexplained anomalies.

### **Talking Points on this Report**

- 
- CBP concurred with the recommendations. Since the draft report was issued, CBP has taken several major steps to improve the SBInet program management structure, capabilities, procedures, and processes, in addition to the Department-wide reassessment of the program ordered by Secretary Napolitano in January 2009 to determine if there are alternatives that may more efficiently, effectively and economically meet our nation's border security needs.

### **General Talking Points on SBInet**

- 
- Dating back to her tenure as Governor of Arizona, Secretary Napolitano has long been concerned by SBInet's continued and repeated cost overruns and missed deadlines, and believed they raised fundamental questions about SBInet's ability to meet the needs for technology along the border.
- In 2009, Secretary Napolitano directed the then-Acting Commissioner of Customs and Border Protection to provide his assessment of the path forward for SBInet. Based on this analysis, in January 2010, Secretary Napolitano ordered a Department-wide reassessment of the SBInet program that incorporated an independent, quantitative, science-based "Analysis of Alternatives" to determine if SBInet was the most efficient, effective and economical way to meet our nation's border security needs.
- Pending the results of the assessment, DHS froze all SBInet funding beyond SBInet Block 1's initial deployment to the Tucson and Ajo regions.
- The Department has also redeployed \$50 million of Recovery Act funding originally allocated for the SBInet Block 1 to other tested, commercially available security technology along the Southwest border. Already, this funding has been used to acquire seven new backscatter radars for Border Patrol checkpoints and 104 vehicle pursuit cameras for our ports of entry. This funding will also be used for additional backscatter radars, thermal imaging devices, aerial observation cameras, and Mobile Surveillance Systems.
- A way forward is expected shortly on the future of SBInet.
- 
- 
-

From: (b)(6),(b)(7)(C)

Sent: Thursday, October 14, 2010 6:58 PM

To: (b)(6),(b)(7)(C)

O'CONNELL, MARIA L.;

(b)(6),(b)(7)(C)

Subject: RE: Response/Statement needed for S1

(b)(7)(E)

The San Ysidro Economic Development Council released the results of a survey conducted with pedestrians at the San Ysidro port of entry, focusing on reasons for a lack of pedestrian SENTRI enrollment.

**Talking Points:**

- This survey was conducted at the San Ysidro port of entry. At the border crossing, approximately 80% of the 90,000 people we process during a day are themselves daily crossers. Currently about 25% of the vehicle traffic we process are SENTRI participants, while only 2% of pedestrian traffic are members of the SENTRI program. CBP is committed to increasing our local SENTRI enrollment and we are researching ways to encourage travelers to enroll in the SENTRI program.
- This survey marks one of the first steps CBP has already taken towards this goal. We have already convened working group meetings to reach out to our community partners and solicit ideas and information, and to analyze the information and recommendations to ensure we move forward in a way that has an impact and uses what resources we have efficiently. We cooperated with the EDC and the San Ysidro Chamber of Commerce to conduct this survey to get feedback and ideas that we can use as we examine them and determine the best steps forward.
- CBP is dedicated to increasing SENTRI participation. SENTRI assists CBP officers by providing more information about the traveler so they can ensure a speedier processing time compared to the general public.
- We are looking at ways to encourage low-risk travelers to enter the program such as offering discounts for families and allowing children to enroll for free. We already ensure that language is not a barrier, offering materials and service in both English and Spanish.
- We will continue to work with our local partners and with our international partners to increase SENTRI enrollment not only through outreach and marketing efforts, but through other practical changes to improve traveler facilitation. For example, during recent working groups, we've discussed with our counterparts in Mexico possible solutions to "line cutting," as well as ideas on how best to inform travelers of wait times, whether through new signs or other methods.
- We look forward to using this survey and other feedback from the community as a starting point, so that we can ensure that as we move forward we're making the most effective use of available resources.
- CBP strongly encourages travelers to obtain a radio frequency identification (RFID)-enabled travel document such as a U.S. Passport Card, Enhanced Driver's License/Enhanced Identification Card or Trusted Traveler Program card (NEXUS, SENTRI or FAST/EXPRES) to expedite their entry and make crossing the border more efficient. The new Border Crossing Card (BCC) and Lawful Permanent Resident card ("green card") are also RFID-enabled. RFID-enabled documents help reduce the time it takes to process travelers at the border.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, October 07, 2010 6:30 PM  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.; BERSIN, ALAN D.; (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

## **BORDER PATROL HIRING**

*BeLO News* writer *Angela Kocherga* is expected to post a story online detailing current Border Patrol staffing levels and plans for the year ahead. The piece is expected to be neutral.

### *Talking Points*

CBP began to accelerate Border Patrol recruiting efforts in June 2006, hiring 6,000 agents through 2008 which brought us to more than 18,000 agents in 2008.

Through August 2010, CBP has more than 20,000 Border Patrol agents on board. This is the largest growth in the number of Border Patrol agents in history.

This year, we plan to add an additional 2,200 agents covering for normal attrition as well as 1,000 agents outlined in the supplemental.

CBP has established a strong, robust process to recruit, hire, and train new Border Patrol agents and we have met significant milestones along the way.

As part of the recruiting strategy, CBP staffs the recruiting effort with Border Patrol agents to ensure applicants engage in a dialogue about the rigors of the academy, the challenges faced while on patrol and the intangible rewards experienced as a result of their service as a Border Patrol agent securing America's borders.

From: (b)(6),(b)(7)(C)

Sent: Monday, October 04, 2010 5:01 PM

To: (b)(6),(b)(7)(C); O'CONNELL, MARIA L.; BERSIN, ALAN D.; (b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

### **BEDBUGS**

The *Washington Post's* Ed O'Keefe will run a piece about the USAID bedbug infestation. Given the fact that other businesses and agencies are housed within the building, the Post story will include comment from several other RRB officials. CBP provided a statement. Tone is expected to be neutral.

#### *Statement*

U.S Customs and Border Protection takes the health and welfare of its employees very seriously. We are aware of the report of bedbugs in the Ronald Reagan Building however there is no known infestation in our offices. We have begun notifying employees about the situation and precautions we are taking to mitigate the issue and avoid this problem.

### **CYBERSECURITY**

Federal News Radio will air an interview with CBP's Alma Cole, Director of the Security Operations Center, discussing cybersecurity and the methods used to protect CBP from cyber attacks. Positive tone expected.

#### *Talking Points*

Securing CBP's information, technology infrastructure, and personnel is part of the foundation that allows CBP to be effective in achieving its mission.

Operations Security, CyberSecurity, and CounterIntelligence are the three pillars that support CBP's security mission with specific roles in protecting information, technology infrastructure, and personnel.

The CBP employee plays the most vital role in securing CBP's information, technology infrastructure, and personnel. They share the responsibility to be vigilant in preventing, detecting and mitigating security risks for the agency.

Information technology provides both government and the private sector with an efficient and timely means of delivering essential services around the world. However, the same technology that links these services also puts them at risk.

In order to better protect our network systems from cyber attacks the Department of Homeland Security stood up the National Cyber Security Division (NCSD) in 2004. Since then, NCSD has partnered with government, industry and academia as well as the international community to make cybersecurity a national priority and to reinforce that it is a shared responsibility.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, September 29, 2010 2:55 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** O'CONNELL, MARIA L.  
**Subject:** RE: Militias Affiliated With White Supremacists Patrolling Arizona Desert- (b)(7)(E)

(b)(7)(E)

## Talking Points

- CBP does not endorse or support any private group or organization from taking matters into their own hands as it could have disastrous personal and public safety consequences.
- CBP appreciates the efforts of concerned citizens as they act as our eyes and ears.
- CBP strongly encourages concerned citizens to call the U.S. Border Patrol and/or local law enforcement authorities if they witness or suspect illegal activity.
- Securing our nation's borders can be dangerous. Interdicting narcotics and deterring and apprehending individuals illegally entering the United States requires highly-trained, law enforcement personnel.
- Border Patrol Agents undergo 17 weeks of specialized training and are uniquely qualified to do this type of work.
- In all cases, individuals should refrain from providing transportation or other assistance to migrants that may be viewed as furtherance of illegal entry. This type of assistance to an undocumented migrant could result in prosecution.
- Furthermore, forced detention can also be viewed as a criminal offense and violators will be referred to local, state or federal prosecutors for possible legal action.
- The Border Patrol and/or law enforcement authorities should be immediately notified if members of the community suspect or witness suspicious activity.

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, September 29, 2010 1:05 PM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** O'CONNELL, MARIA L.  
**Subject:** Fw: Militias Affiliated With White Supremacists Patrolling Arizona Desert- (b)(7)(E)

(b)(7)(E),(b)(6),(b)(7)(C)

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**From:** (b)(6),(b)(7)(C)  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Sent:** Wed Sep 29 13:04:12 2010  
**Subject:** Re: Militias Affiliated With White Supremacists Patrolling Arizona Desert- (b)(7)(E)

(b)(7)(E),  
(b)(6),(b)(7)(C)



**From:** (b)(6),(b)(7)(C)  
**Sent:** Friday, August 27, 2010 5:05 PM  
**To:** (b)(6),(b)(7)(C); BERSIN, ALAN D.; O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

## TUCSON CHIEF PATROL AGENT INTERVIEW

KPNX TV-12 (NBC) Phoenix reporter Joe Dana interviewed Tucson Sector Chief Patrol Agent (b)(6),(b)(7)(C) at the Sector headquarters on the state of the Border Patrol in the Tucson Sector. Interview questions centered on interior border issues, threats of violence faced by Border Patrol agents, progress towards securing the border, and the National Guard deployment. Segment will air this evening at 5:30 and 6 p.m and Sunday at 8 a.m. Neutral to Positive tone expected.

### *Talking Points*

- CBP has deployed an unprecedented number of resources to include manpower, technology and infrastructure. As a result, our borders are safer and more secure than they have ever been.
- The Tucson Sector has seen a steady decrease in its apprehensions beginning form 2000 where its apprehensions were more than 616,000 to Fiscal Year 2009 where we ended with

over 241,000 apprehensions.

- By increasing the use of technology, and thereby improving our surveillance capabilities, combined with additional agents and improved border infrastructure, smuggling organizations are finding it increasingly more difficult to make incursions into the United States.
- We have seen an increase in assaults over the last couple of years, during FY 2008 we had 117 Assaults on our Agent and we closed FY 2009 with 281. During this current FY we are already at 348. The majority of these assaults are rocking incidents but we have also seen an increase in Physical Assaults.
- In addition to the manpower, technology and infrastructure the Tucson Sector is implementing a number of Impact Programs. Voluntary Return, the practice of allowing illegal aliens from Mexico to return to their country voluntarily, provided little consequence for illegal entry.
- Despite this significant progress our work is not done. On August 1<sup>st</sup> the National Guard began deploying 1,200 (524 to AZ) to the border to significantly bolster and support our ability to further enhance border security. Specifically, National Guard personnel will assist CBP by:
  - Providing intelligence; surveillance and reconnaissance support to our agents and officers on the ground;
  - Contributing intelligence analysis and immediate support to our counter-narcotics enforcement efforts and;
  - Adding personnel support until CBP can recruit and train additional officers and agents to serve on the border.



**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, August 26, 2010 6:05 PM  
**To:** (b)(6),(b)(7)(C); BERSIN, ALAN D.; O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

**MULTIMEDIA COVERAGE OF NEW MEXICO / WEST TEXAS ALLIANCE TO COMBAT TRANSNATIONAL THREATS (ACTT) BI-NATIONAL EXERCISE**

*Televisa, Univision, Azteca* and other local media outlets from the El Paso, Texas area will air coverage of the *New Mexico / West Texas Alliance to Combat Transnational Threats (ACTT)* bi-national exercise which occurred at CBP's U.S. Border Patrol Station 1 on August 26. The joint exercise involved Federal, State and local participants from both U.S. and the Government of Mexico (GoM). El Paso Sector (A) Deputy Chief Patrol Agent (b)(6),(b)(7)(C) was interviewed after the joint exercise. Information regarding CBP operations and the joint efforts made by CBP and the GOM to secure the border and to prevent acts of violence in border cities was discussed during the interviews.

*Talking Points*

- This bi-national Functional Exercise is scenario-based and designed to evaluate international, inter-agency, intra-agency communication and emergency response capabilities to prepare for a catastrophic event if such an event was to occur.

- This cooperation between all agencies is a prime example of the working relationship and cooperation that exists in the border region to ensure the security of our borders.
- It is the responsibility of both countries to work in alliance in order to combat transnational threats to ensure the security and safety of our communities.
- The Functional Exercise was developed jointly and facilitated by the El Paso Sector's Emergency Planning Office and the Office of Investigations and National Security (Centro de Investigación y Seguridad Nacional - CISEN) from Mexico.
- Agencies from the United States and the Government of Mexico participated in this exercise and successfully utilized a unified resolution of critical incident management.

**Available news coverage: <http://www.ktsm.com/news/joint-exercise-aimed-at-protecting-border>**

**Subject:** Late Tomorrow's News

## **UNIVISION REPORTS ON CBP BORDER PATROL AGENT RETURNING TO WORK AFTER SHOOTING**

Univision's "Primer Impacto" show inquired and was given the approved statement regarding the current status of the Border Patrol agent involved in the shooting death of a Mexican national on June 7. Story may run later this week. No other media inquiries have been received.

### *Talking Points*

A thorough, multi-agency investigation is currently on-going after the agent-involved shooting death of a Mexican national on June 7, 2010, in U.S. Customs and Border Protection's El Paso Sector. Immediately following the incident, the agent involved was permitted to take administrative leave in accordance with agency policy and procedures. The agent has since been assigned to alternate duties in another area of operation. CBP regrets the loss of life and awaits the results of the investigation into this incident.

(b)(6),(b)(7)(C)

Field Branch Chief  
Office of Public Affairs  
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**Sent:** Wed Aug 25 05:58:32 2010  
**Subject:** Fw: Late Tomorrow's News

(b)(7)(E),(b)(6),(b)(7)(C)

(b)(7)(E),(b)(6),(b)(7)(C)

ML

Maria Luisa O'Connell  
Assistant Commissioner  
Office of Public Affairs  
US Customs and Border Protection  
Department of Homeland Security

**From:** (b)(6),(b)(7)(C)

**To:** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

BERSIN, ALAN D.; O'CONNELL, MARIA L.;

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Sent:** Tue Aug 24 17:22:00 2010  
**Subject:** Late Tomorrow's News

### CNN REPORTS ON CBP BORDER PATROL AGENT RETURNING TO WORK AFTER SHOOTING

CNN reporter Nick Valencia interviewed SOS (b)(6),(b)(7)(C) of the El Paso Sector Communications Division as a follow up to previous media coverage surrounding the fatal shooting of 15-year-old Mexican youth in June of 2010, who had been throwing rocks at agents. SOS (b)(6),(b)(7)(C) was queried on the Border Patrol agent's return to full-duty status. Defining "administrative leave" and the "use-of-force policy," in general were provided. Historical data from previous acts of violence agents Border Patrol agents out of the El Paso Sector area of operations was also provided. Coverage of the story: <http://www.cnn.com/2010/CRIME/08/23/texas.border.patrol.shooting/?hpt=Sbin>

*Talking points*

2/3/2011

- The El Paso Sector includes the entire state of New Mexico and portions of the two most western counties of Texas (all of El Paso County and Hudspeth County, up to Sierra Blanca, Texas). Fort Hancock is also in El Paso Sector's area of operation.
- CBP Border Patrol agents have been attacked with firearms, rocks, flaming rocks, and vehicles. Agents have also been regularly pelted with softball-size rocks, fireworks and Molotov cocktails which have left agents with serious head wounds, bruises, contusions, and burns.
- Illegal immigrants and drug traffickers are lashing out at CBP U.S. Border agents due to frustration from tighter border security and increased enforcement.
- CBP Border Patrol agents are properly trained and have rules of engagement in regards to defending themselves or someone else.

#### **SECRETARY AND COMMISSIONER VISIT MONTANA WITH SENATORS BAUCUS AND TESTER**

Multiple Montana media are expected to cover DHS Secretary Janet Napolitano, Montana Senators Max Baucus and Jon Tester, and CBP Commissioner Alan Bersin visit to CBP facilities in the north-central Montana region. The group will visit the Westside Levee District in Great Falls, the ports of entry at Piegan and Sweetgrass, the Air and Marine Facility in Great Falls, and Border Patrol stations in Sunburst and Havre. All the events will be open to the press, excluding the Air and Marine Facility tour, and a luncheon with CBP employees at the Sweetgrass Port of Entry. Neutral tone expected.

#### *Talking points*

Threats found along our Northern Border include terrorism, drug and contraband trafficking, and illegal immigration.

As with the Southwest Border, successful control of the Northern Border requires an effective integration of infrastructure, technology, and personnel. CBP has made extensive investments in each of these elements for the Northern Border.

(b)(6),(b)(7)(C)

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(b)(7)(E)

@dhs.gov



**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, August 23, 2010 8:20 PM

**To:** (b)(6),(b)(7)(C); BERSIN, ALAN D.; O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)

**Cc:** (b)(6),(b)(7)(C)

**Subject:** Late Tomorrow's News

### **BORDER VIOLENCE**

The *El Paso Times* will post a story concerning CBP's efforts to secure America's borders. The story will focus on an incident occurring in Ciudad Juarez, Chihuahua, Mexico blamed for a stray bullet striking the University of Texas at El Paso. The story is anticipated to be neutral.

### *Talking Points*

Under Secretary Napolitano's leadership, CBP has deployed an unprecedented number of resources to increase security along the Southwest border. As a result, our borders are safer and more secure than they have ever been. Last year alone, illegal crossings along the Southwest border were down 23 percent from the year before. Unprecedented communications with our partners at federal, state, local and international levels has brought about increased collaboration and cooperation to secure our borders. Continuing to apply our strategy will lead to a decrease in trans-border violence over time.

Working with our partners at ICE, our seizures of contraband have risen significantly across the board. Combined, our agencies have seized 14 percent more illegal bulk cash, 29 percent more illegal weapons, and 15 percent more illegal drugs than the year before. Despite this significant progress our work is not done.



On August 1<sup>st</sup> the National Guard began deploying 1,200 to the border to significantly bolster and support our ability to further enhance border security. Specifically, National Guard personnel will assist CBP by providing intelligence; surveillance and reconnaissance support to our agents and officers on the ground, contributing intelligence analysis and immediate support to our counternarcotics enforcement efforts and adding personnel capacity until CBP can recruit and train additional officers and agents to serve on the border.

Assaults against Border Patrol agents are up only slightly since 2008 but we have seen an increase since last year of about 6%. That ties directly into what we have done in bringing more security to our borders. It comes down to Capabilities, Capacities, Results, and Measures. Over the past few years, our capabilities and capacities have grown by leaps and bounds as we've added more personnel, technology, and infrastructure. These lead to the results we have seen and leave smugglers feeling desperate, forcing them to try new ways to smuggle- attempting to use ultralights as well as waterways. Being forced to use new methods makes them vulnerable and gives us success. As a result, these organizations lash out in frustration at our personnel.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, August 17, 2010 1:32 PM  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: border patrol question

(b)(6),(b)(7)(C)

(b)(7)(E)

(b)(6),(b)(7)(C)

#### **CNS NEWS INTERVIEW WITH SHERIFF LARRY DEVER**

CNS News will post a video taped interview with Sheriff Larry Dever on their website tonight. Dever is the Sheriff of Cochise County, Arizona, which falls within the Border Patrol's Tucson Sector. Dever states in the interview that Border Patrol agents are not allowed to work on the border by upper management, because it is too dangerous and they don't want to start an international incident. Negative tone expected.

#### *Talking Points*

The U.S. Border Patrol uses personnel and technology to interdict smuggling activity along the egress routes from the border. An immediate capture in close proximity to the border is not always possible or prudent due to terrain limitations and response time constraints. Apprehension points may be several miles from the actual border depending upon the first point of tactical advantage for the agents. Even though detection has been made and monitored using technology, the apprehension may be made within several hours after the detection.

Through its border security strategy, CBP has made historic investments in personnel, technology and infrastructure while combating transnational criminal organizations that smuggle weapons, cash and people across our shared border with Mexico

Technology includes Remote Video Surveillance Systems which provides real-time surveillance, Mobile Surveillance Systems (MSS) that are same as the remote video surveillance systems but are mobile and capable of covering a large area and strategically placed ground sensors.

We also have the unmanned aircraft system (UAS), which provide surveillance for extended periods, conducting both scheduled and unscheduled searches including some of the most remote areas.

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**From:** (b)(6),(b)(7)(C) [mailto:(b)(6),(b)(7)(C)]@dhs.gov  
**Sent:** Tuesday, August 17, 2010 12:27 PM

2/3/2011



# Talking Points

Secretary Napolitano Border Security press event

## **BORDER VIOLENCE**

- This year, assaults against Border Patrol Agents remain steady as efforts to secure the border are realized. The criminal organizations are frustrated and have responded with violence toward our agents.
- Smuggling people, narcotics, and other contraband into the United States long ago ceased to be a “mom and pop” operation. Today’s smuggling organizations are multi-national criminal enterprises with access to nearly unlimited funding and expertise.
- Although these criminal organizations once operated with impunity, they are now met with greater numbers of better trained, better equipped CBP personnel supported with newer, better technology and infrastructure.

## **USE OF FORCE**

- CBP law enforcement personnel are trained in the use of force, up to and including deadly force. Agents routinely train and qualify with firearms including shotguns and assault rifles to deal with deadly force threats to their lives, the lives of their partners, and innocent third parties.
- Our personnel are also equipped with less-lethal weapons such as collapsible straight batons, oleoresin capicum (OC) spray, the Pepper ball Launching System (PLS), the FN-303 projectile launcher and electronic defense modules (TAZER). These tools are not a replacement for firearms; they give agents more options to respond to threats before escalating to deadly force.
- Our officers and agents will respond to an attack or assault with the appropriate use of force.

## **THREATS TO OUR AGENTS**

- CBP takes any potential threat against our frontline men and women very seriously. That is why work closely with the intelligence community and law enforcement partners every day to make sure that our personnel are constantly informed of any information – even uncorroborated – regarding potential threats they may face.

## **RELATIONSHIP WITH INTERIOR AND THE US FORESTRY SERVICE**

- DHS is fully committed to a positive working relationship with the Department of the Interior and the USFS. We respect the missions of these agencies and we recognize the importance of the preservation of the American landscape.
- We acknowledge that balancing the requirements of border enforcement and land preservation can at times present challenges, but we are committed to collaboration with Interior and the USFS to find workable solutions on special status lands.
- DHS’s close working relationship with Interior and USFS allows DHS to fulfill its enforcement responsibilities while respecting and enhancing the environment.

## **NATIONAL GUARD**

- Up to 1,200 National Guard will help us, in priority areas, to achieve higher levels of what we tactically define as operational effective control.
- What we have seen in using the Guard over the years, we use them in many cases to perform services such as auto mechanics, surveillance operators for some of the camera systems. That allows a Border Patrol agent who's currently doing that to do the patrols because Border Patrol Agents have arrest authority whereas the National Guard does not.
- National Guard members team up with Border Patrol agents and set up at a high point where perhaps we don't have the technology solution yet, and they perform a valuable function detecting that which we can't see otherwise. Once detected, the team can direct Border Patrol Agents to location.

## **CIVILIAN DEFENSE GROUPS**

- CBP does not endorse or support any private group or organization from taking matters into their own hands as it could have disastrous personal and public safety consequences.
- CBP appreciates the efforts of concerned citizens as they act as our eyes and ears.
- CBP strongly encourages concerned citizens to call the U.S. Border Patrol and/or local law enforcement authorities if they witness or suspect illegal activity.

## **RACIAL PROFILING**

- CBP does not use racial profiling. CBP strives to treat all travelers with respect and in a professional manner, while maintaining the focus of our mission to protect all citizens and visitors in the United States.
- CBP adopts the Department of Justice's (DOJ) "Guidance Regarding the Use of Race by Federal Law Enforcement Agencies." It is the policy of DHS/CBP to prohibit the consideration of race or ethnicity in our daily law enforcement activities in, as defined in the DOJ Guidance.

## **OPERATION STREAMLINE**

- This operation is a multi-agency effort including: U.S. Border Patrol, The U.S. Attorney's Office, The U.S. Marshals Service, and the Immigration and Customs Enforcement Office of Detention and Removal, Federal Judiciary, the U.S. Attorney's Office and the Office of Chief Council. It targets all illegal entrants, regardless of their country of origin.
- Operation Streamline, an enhanced prosecution effort, is only one component of CBP's enforcement model with the desired outcome of reducing illegal cross-border activity and achieve effective operational control of the border.

## **SBI<sub>net</sub>**

- We have an obligation to secure our borders and we have a responsibility to do so in the most cost-effective way possible, but the system of sensors and cameras along the Southwest border known as SBI<sub>net</sub>.
- Effective immediately, the DHS will redeploy \$50 million of Recovery Act funding originally allocated for the SBI<sub>net</sub> Block 1 to other tested, commercially available security technology along the Southwest border, including mobile surveillance, thermal imaging devices, ultra-light detection, backscatter units, mobile radios, cameras and laptops for pursuit vehicles, and remote video surveillance system enhancements.

### **BORDER FENCE (TACTICAL INFRASTRUCTURE)**

- Effective control of the borders is established through the proper mix of technology, personnel, and tactical infrastructure that will allow CBP to detect and appropriately resolve illicit cross border activity.
- The Tactical Infrastructure (TI) Program develops, installs, and maintains physical components – consisting mainly of roads, fencing (both pedestrian and vehicle fence), lights, electrical components, and drainage structures – designed to provide persistent impedance of illicit cross-border activity.
- Cost to build fence: Pedestrian Fence - \$6.5M/mile and Vehicle Fence - \$1.8M/mile
- Currently there are 646.4 miles of fence constructed: 298.5 miles of vehicle fence and 347.9 miles of primary pedestrian fence.

### **INTEGRATION OF SECURITY AND ECONOMIC FACILITATION**

- With nearly one million travelers and more than 57,000 containers entering the U.S. each day, searching out dangers has been compared to finding a needle in a haystack. Our shipper and trusted traveler program help us thin the haystack by pre-identifying the flow of people and goods to the greatest degree possible.
- This segmentation not only will allow speedier handling of those we know something about, it will free us up to give greater scrutiny to those we know little about.
- Through these activities, facilitation and security are strengthened simultaneously. By growing these programs we intend to process more cargo and travelers in a way that reduces waits and is more secure.
- It is time for a new vision that maximizes both security and economic opportunity. The two are not mutually exclusive.

### **JONES ACT**

- The use of foreign documented oil spill response vessels in U.S. waters on an emergency and temporary basis for the purpose of recovering, transporting, and unloading in a United States port oil discharged as a result of an oil spill in or near those waters is governed by 46 U.S.C. 55113. This statutory provision is administered by the U.S. Coast Guard and if the foreign vessels meet the criteria of that statute, they may be used without implicating the Jones Act;
- The use of foreign vessels outside of U.S. waters for oil spill response activities such as skimming does not involve the Jones Act; and
- If neither (1) nor (2) are applicable, CBP will entertain case-by-case waiver requests, in consultation MARAD and other government agencies, with the ultimate decision made by the Secretary.

### **COLLECTION OF ANTIDUMPING AND COUNTERVAILING DUTIES**

- The U.S. uses the retrospective system where final duties are assessed after the entries are made and can change between entry and assessment.
- Other countries use the prospective system where duties are assessed at time of entry. The Department of Commerce will report to Congress on the pros and cons of these systems, and whether the U.S. should continue with its current retrospective duty assessment system.
- CBP Office of International Trade is currently assessing both systems to determine what the agency position will be.

### **INTELLECTUAL PROPERTY RIGHTS**

- CBP has been working with the White House intellectual property enforcement coordinator on the plan.



- CBP's 5-year IPR strategy will be announced next month.
- CBP's strategy attacks intellectual property enforcement not just at the physical border as goods arrive, but also overseas before their arrival and pursues the violators after the goods arrive.

### UAS

- In addition to recent increases in manpower and infrastructure, CBP is also working to expand the use of UAS technology to support our officers and agents on the ground working along the Southwest Border.
- Due to the flight time capacity of the aircraft, flight operations do not need to be based in any geographic location and can be flown anywhere that an approved COA exists.
- CBP plans to base a UAS at Corpus Christi Naval Air Station, TX, as soon as all agreements and resources are obtained to sustain a permanent UAS presence there.
- CBP deploys and operates the UAS only after careful examination of where the UAS can most effectively aid in countering threats to our Nation's security. As threats change, CBP adjusts its enforcement posture accordingly and may consider moving the location of assets.
- CBP submitted two COA requests to FAA that enable us in different ways to operate a CBP UAS in Texas airspace.
- The FAA has approved the SWB Expansion COA (originally submitted in Sept 2008) without imposing unnecessary restrictions. CBP launches a UAS from Sierra Vista, AZ and flies to/operate in western Texas airspace along portions of the Texas border. The UAS lands in Sierra Vista once the mission is complete.
- The second COA application will enable CBP to launch and recover a UAS from Corpus Christie, TX and operate along portions of the TX land border, coastal region, and further out over water depending on the UAS variant employed.
- There is currently no firm timetable associated with deploying a UAS to TX (land-based or maritime/Guardian), although OAM is committing to making this happen as soon as possible.

### SBIInet

- The secretary has ordered a reassessment of the program and in fact, has frozen funds beyond those required to complete what's already started.
- We need to become convinced that even if it is viable that it's the right way to spend money, that we are getting value for that money. So that is the purpose of the secretary's assessment, is to answer questions before we invest more money in SBIInet Block 1.
- We are looking at this system and we are looking at the cost effectiveness of it.



**From:** (b)(6),(b)(7)(C)  
**Sent:** Monday, June 14, 2010 5:01 PM  
**To:** (b)(6),(b)(7)(C); BERSIN, ALAN D.;  
O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

### USE OF FORCE

KNX 1070AM reporter Tom Reopelle will air a report about the ongoing investigations in the San Diego and El Paso incidents each involving a death after CBP law enforcement personnel were assaulted. His report will also feature information about "immigration" rallies conducted in Los Angeles, California.

### Talking Points

Thorough, multi-agency investigations are currently on-going for the San Diego and El Paso use of force incidents involving CBP law enforcement personnel. CBP regrets the loss of life and awaits the results of complete investigations into each incident. CBP is also conducting an internal investigation."

Smuggling organizations have long been known for their callous disregard for the lives of those they employ. Everyone involved is replaceable, age and gender don't matter. These criminal organizations have been known to enlist the services of former Mexican police, military personnel, even women and children. Each and every person is viewed expendable and replaceable. Using these people has allowed criminal organizations to directly challenge law enforcement agencies on both sides of the border. Whereas these criminal organizations once operated with impunity, they are now met with greater numbers of better trained, better equipped CBP personnel supported with newer, better technology and infrastructure.

CBP law enforcement personnel are required to comply with and be thoroughly familiar with all aspects of the CBP Use of Force and Firearms Guidelines. Per the guidelines, deadly force may be used when CBP law enforcement personnel reasonably believes that the person, at whom the firearm is to be discharged, possesses the means, the intent and the opportunity of causing death or grievous bodily harm upon himself or upon another person.

Working with Mexico, we've made the border a tougher, tighter place for these criminal organizations, and they're lashing out. Compared to the number of assaults they're facing, the amount of restraint our agents show is astounding.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, June 09, 2010 8:55 AM  
**To:** (b)(6),(b)(7)(C); O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
**Subject:** Re: NYT: Border Shooting Strains Tensions With Mexico

(b)(7)(E)

(b)(7)(E)

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**From:** (b)(6),(b)(7)(C)  
**To:** O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
**Sent:** Wed Jun 09 08:44:37 2010  
**Subject:** Fw: NYT: Border Shooting Strains Tensions With Mexico

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**From:** (b)(6),(b)(7)(C) (b)(6),(b)(7)(C)@dhs.gov>  
**To:** (b)(6),(b)(7)(C)  
**Sent:** Wed Jun 09 08:38:15 2010  
**Subject:** NYT: Border Shooting Strains Tensions With Mexico

(b)(7)(E)

## Border Shooting Strains Tensions With Mexico

By MARC LACEY

MEXICO CITY — Mexican authorities expressed fury at the shooting death of a Mexican teenager on Monday night by a Border Patrol agent, while the FBI, which is investigating the death, said the agent had been under attack by rock-throwing migrants attempting to cross into El Paso, Texas.

The government of the Mexican state of Chihuahua condemned the killing of the teenager, Sergio Adrian Hernandez Guereca, 15, calling it a blow to all Mexicans and an example of the xenophobia that the anti-immigration law in Arizona has fomented in the United States.

American officials described the shooting as an act of self defense. Several agents were on a bike patrol in the concrete channel alongside the Rio Grande at about 6:30 p.m. Monday when they encountered a group of suspected illegal immigrants entering the United States. After two suspects were arrested, others in the group fled just across the border to Mexico and began throwing rocks at the agents, the FBI said in a statement. One agent fired several shots and hit the victim, who died at the base of the Paso Del Norte international bridge, officials said.

The Border Patrol says it is subjected to hundreds of rock attacks during its patrols and takes them seriously. From October 2007 to the end of May 2008, there were 537 rock-throwing incidents involving agents, officials said. That number dropped to 460 the following year and then rose to 604 incidents in the most recent reporting period, which ended on May 31.

"There's a misperception people have that we're having pebbles thrown at us," said Mark Qualia, a United States Customs and Border Protection spokesman in Washington. "They are stones the size of baseballs in some cases or half a brick. You can't take this lightly."

(b)(6),(b)(7)(C)

Deputy Press Secretary  
Office of Public Affairs  
U.S. Department of Homeland Security

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## *Talking Points*

CBP trade enforcement resources are concentrated on the most significant trade risks, which are designated as Priority Trade Issues (PTI). Because textiles continue to be politically and economically significant commodities, they have been identified as one of seven PTIs.

The goal of the Textiles PTI is to ensure that textile imports, which generates 46% of the duties collected by CBP, fully comply with applicable laws, regulations, Free Trade Agreements, trade preference program requirements, and Intellectual Property provisions.

CBP uses a risk-based layered approach to enforce our trade laws and to ensure that appropriate revenue is collected. This includes trade pattern analysis, on-site verification, review of production records, audits, and laboratory analysis.

In fiscal year 2009 there were 69,100 importers that entered \$95.4 billion in textile products to the United States. Approximately \$10.2 billion in duties were paid. Textile represents 46% of all duties collected by CBP. Of the \$95.4 billion, approximately \$17.5 billion claimed a duty preference—or 18%.

CBP performed 10,095 examinations in fiscal year 2009. CBP laboratories tested 1,606 samples and found 46% to be non-compliant. CBP also completed 42 audits with a recommended recovery of \$4.23 million.

(b)(6),(b)(7)(C)

Field Branch Chief  
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@dhs.gov

From: (b)(6),(b)(7)(C)

Sent: Thursday, May 20, 2010 6:14 PM

To: (b)(6),(b)(7)(C); BERSIN, ALAN D.; O'CONNELL, MARIA L.;

(b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

Subject: Tomorrow's News

## ARREST WARRANT FOR LINDSAY LOHAN

Multiple news outlets including the *New York Post*, *New York Daily News*, *People Magazine* will publish stories regarding a warrant for the arrest of celebrity Lindsay Lohan and CBP's potential role in an arrest.

### *Talking Points:*

We can not discuss information, such as active warrants, contained in our database, as they are Law Enforcement sensitive. However, we can tell you that, in general terms, when CBP encounters an individual that has an active warrant, we confirm the validity of the warrant and extradition from the originating agency.

If both exist, the subject is then turned over to local law enforcement pending extradition to the originating agency's jurisdiction.

## COMMISSIONER BERSIN TESTIFIED BEFORE COMMITTEE ON WAYS AND MEANS

Commissioner Bersin testified today before the Committee on Ways and Means Subcommittee on Trade. Testimony focused on CBP's efforts to facilitate legitimate trade and enforce U.S. trade and other laws in a safe and secure environment. The hearing was attended by trade media, including *Journal of Commerce*, *Inside U.S. Trade*, *Washington Trade Daily* and *Women's Wear Daily*.

### *Talking Points*

CBP's twin missions of security and trade facilitation are not in conflict but are complementary.

CBP must expand its capabilities by more carefully aligning its resources with its mission requirements, leveraging advances in technology, and building partnerships.

CBP is committed to facilitating the legitimate trade that crosses our borders by maximizing predictability and transparency, and minimizing cost to the importing community.

All of this must be done while ensuring that we enforce trade laws, especially those that protect the safety of the American public and intellectual property rights.

In order to accomplish these goals, we are leveraging our current resources, building new capabilities, and collaborating with partners inside and outside of government.



From: (b)(6),(b)(7)(C)

Sent: Wednesday, May 19, 2010 6:20 PM

To: (b)(6),(b)(7)(C); BERSIN, ALAN D.; O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C)

Subject: LATE Tomorrow's News

## **BORDER FENCING**

*Jacques Billeaud with the Associated Press* is expected to run a piece about the fence along the U.S/Mexico border. He recently concluded a trip to Nogales, Ariz. where he stated he gained a better understanding of how a border fence helps our mission. Neutral tone expected.

### *Talking Points*

Four main factors contribute to final fence location decisions: Initial Border Patrol operational assessments, engineering assessments including construction costs, environmental considerations and input from stakeholders.

CBP's Tactical Infrastructure (TI) Program develops, installs, and maintains physical components – consisting mainly of roads, fencing (both pedestrian and vehicle fence), lights, electrical components, and drainage structures – designed to provide persistent impedance of illicit cross-border activity.

Part of our strategy to secure the border involves establishing the proper mix of technology, personnel, and tactical infrastructure that allows CBP to detect and appropriately resolve illicit cross border activity.

Currently, we have completed construction on 646.1 miles of border fencing. We expect to meet our goal of 652 miles of fence in December 2010.

## **MODERN MARVELS AIRS “KEEP OUT” EPISODE**

On Thursday, May 20 at 9 p.m. the History Channel is expected to air the “Keep Out” episode of the *Modern Marvels* television show. The episode focuses on technology designed to erect barriers, or scrutinize crossings for protection purposes. Segments of the show will include a shark cage and a panic room. The crew from Modern Marvels also filmed a segment with CBP last fall. The segment is expected to include interviews with CBP Officers at the San Ysidro port of entry, with the San Diego Sector of the U.S. Border Patrol, and with members of the Air and Marine Operations Center in Riverside, Calif. discussing various CBP technologies.

### *Talking Points*

CBP stresses the importance of technology, infrastructure, and personnel vital to accomplishing our mission. Technology is one part of our strategy, but a very critical part.

Technology at the ports of entry includes, but is not limited to: radiation portal monitors; license plate readers, and Radio Frequency Identification.

Technology used by the U.S. Border Patrol includes, but is not limited to: ground sensors, remote video surveillance systems, and scope trucks.



Every aircraft, civilian, military law enforcement or other, is seen tracked and identified day in and day out from the Air and Marine Operations Center, the only operation of its kind in the nation.

#### STATEMENT BY LT. GOVERNOR of TEXAS

Meghan Ashford-Grooms from the *Statesman* is working on a story about a statement made by the lieutenant governor of Texas that the New York Police Department has more officers for one city than the Border Patrol has for the whole country. Expected publish date of story is "unknown." Neutral to negative tone expected.

#### *Talking Points*

The U.S. Border Patrol partners with the law enforcement community and an example of which is Operation Stonegarden.

Operation Stonegarden is a DHS-initiated operation designed to develop a multilateral enforcement effort between Border Patrol and state, local, and tribal (SLT) law enforcement agencies for the purpose of assisting the U.S. Border Patrol in its priority mission of preventing the entry of terrorists, terrorist weapons of mass effect, and other risks to national security.

The National Border Patrol Strategy calls for the proper mix of personnel, technology, and infrastructure in conducting operations at the border. Border Patrol agents are highly trained and maintain skill sets that include in-depth knowledge of the terrain and the environment.

CBP has more than 40,000 agents and officers nationwide.

(b)(6),(b)(7)(C)

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@dhs.gov

**From:** (b)(6),(b)(7)(C)

**Sent:** Monday, May 17, 2010 9:17 AM

**To:** (b)(6),(b)(7)(C); O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)

**Cc:** (b)(6),(b)(7)(C)

**Subject:** RE: Morning Report

(b)(7)(E)

**From:** (b)(6),(b)(7)(C)

**Sent:** Monday, May 17, 2010 9:16 AM

**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)

**Cc:** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Subject:** RE: Morning Report

(b)(7)(E)

Talking points:

Over the past 15 months, U.S. Customs and Border Protection has mobilized an unprecedented level of manpower, technology and infrastructure along the Southwest border. Today, the U.S. Border Patrol is better staffed than in any other point in its history, with over 17,400 agents deployed to the Southwest Border. We also have more technology and physical infrastructure on the border than ever before including the completion of over 646 miles of nearly 652 planned miles of fencing that the Border Patrol has identified as necessary for their operations. We look forward to working with Congress and state, and local law enforcement to ensure that our officers and agents continue to have the proper tools and resources available to secure our nation from all threats.

Background:

- To date, we have completed 646.1 miles of fencing out of nearly 652 planned miles, including 298.5 miles of vehicle barriers and 347.6 miles of pedestrian fence. We anticipate completing the remaining five and a half miles shortly.
- Since 2004, the number of "boots on the ground" along the Southwest border has increased by 80% to more than 17,400 in FY2010.
- Apprehensions at the border fell 23 percent from 2008 to 2009.
- Over the past year since the Southwest Border Initiative was launched in March 2009 DHS has:

- Doubled the personnel assigned to Border Enforcement Security Task Forces by deploying 110 additional special agents.
- Tripled the number of ICE intelligence analysts along the Southwest border in April 2009 by deploying 28 additional personnel.
- For the first time, DHS began screening 100% of southbound rail shipments for illegal weapons, drugs, and cash.
- Deployed 13 additional cross-trained canine teams, which identify firearms and currency, to the Southwest Border to augment the five teams already in place.
- Deployed 116 additional Border Patrol Agents to augment CBP officers during inspections operations—particularly outbound inspections.
- Deployed five additional Z-Backscatter Units, which help CBP identify anomalies in passenger vehicles, to the Southwest border to augment the six already there.
- In 2009, CBP seized over \$39.2 million in southbound illegal currency—an increase of more than \$29.4 million compared to 2008. In total, we have seized more than \$103 million, 1.7 million kilograms of drugs, and 1,400 firearms—an increase of more than \$47 million, 450,000 kilograms of drugs, and 300 firearms, respectively, compared to 2008.

Additionally, the San Diego DHS Maritime Unified Command, comprised of U.S. Coast Guard, CBP, ICE and other law enforcement partners, saw a more than six-fold increase in maritime drug interdictions in the Pacific waters extending from the Southwest border—seizing 57,437 lbs. of drugs in fiscal year 2009 compared to 8,884 lbs. seized in fiscal year 2008. Already in fiscal year 2010, the Coast Guard has seized 11,500 lbs. of drugs across the San Diego sector.

Q. Did Congress mandate 700 miles of fencing?

Although the Act called for the construction of "not less than 700 miles" of fencing, Congress also gave the Secretary the discretion to determine the amount and type of infrastructure necessary to secure the border. The Border Patrol has determined after extensive study that 652 miles of fencing is the most appropriate means to achieve and maintain border security.

-----Original Message-----

From: (b)(6),(b)(7)(C)

Sent: Monday, May 17, 2010 9:13 AM

To: (b)(6),(b)(7)(C); O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C); (b)(6),(b)(7)(C)

Subject: RE: Morning Report

Additional entry:

BORDER FENCE

Background: Jacques Billeaud, Associated Press, is working on a story about the border fence. Thus far he's gotten a map of the fence (available on-line) and updated fence numbers. We'll speak with him today about what the fence has actually done for border security in conjunction with other measures we've taken.

-----Original Message-----

From: (b)(6),(b)(7)(C)

Sent: Monday, May 17, 2010 9:01 AM

To: O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)

Cc: (b)(6),(b)(7)(C); (b)(6),(b)(7)(C)

Subject: Morning Report

(b)(7)(E)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, May 11, 2010 5:35 PM  
**To:** (b)(6),(b)(7)(C); BERSIN, ALAN D.; O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

**ADVISORY COMMITTEE ON COMMERCIAL OPERATIONS**

**Commissioner Bersin** provided brief, informal interviews to trade reporters attending the meeting of the Advisory Committee on Commercial Operations of Customs and Border Protection held today in Philadelphia. Online articles from **Journal of Commerce** and **American Shipper** are expected as early as tonight. Neutral to positive tone expected.

*Talking Points*

As Commissioner of U.S. Customs and Border Protection I intend to pursue policies and programs that integrate security and economic facilitation. It is time to bring every tool to bear in creating safe and efficient borders, to coordinate with and support our Mexican and Canadian partners, and to maintain an efficient border and build economic benefit for all.

We are building on our shipper and trusted traveler program, which expedite processes for frequent shippers and commuters. These programs are exceeding expectations of participation and impact. We have gotten better—through training, intelligence, technology and determination

With nearly one million travelers and more than 57,000 containers entering the U.S. each day, searching out dangers has been compared to finding a needle in a haystack. Our shipper and trusted traveler program help us thin the haystack by pre-identifying the flow of people and goods to the greatest degree possible.

This segmentation not only will allow speedier handling of those we know something about, it will free us up to give greater scrutiny to those we know little about.

## TALKING POINTS

### ACTION COMMITTEE OF 50, INC EVENT

#### OBJECTIVES

- Emphasize CBP's commitment to securing nation's border while facilitating trade and travel.
- Obtain Committee understanding and support of CBP efforts in this area.

#### TOPIC 1 Trade and Travel at the Northern Border

- CBP understands the importance of facilitating trade and travelers who entering, exiting, and transiting through the U.S. We recognize that there is indeed a balance to securing our nation and ensuring people, goods and products moving legitimately to and through our country do so as quickly as possible. I wanted to share with you a few figures from the first six months of the fiscal year from October 1 through March 31. At the northern border from October 1 through March 31, CBP processed:
  - 29,936,809 travelers and pedestrians were processed at the northern border.
  - 1,877,754 international air passengers were processed at the northern border.
  - 580,377 truck, rail, and sea containers were processed at the northern border.
- Two additional figures that I want to share are the numbers for the 2010 Easter Weekend as compared to 2009 Easter Weekend.
  - This snapshot in time revealed that in 2010, CBP processed **279,837** people crossing into U.S. from Canada. In 2009, the number of travelers and pedestrians, CBP processed was **243,799**.
- The figures indicate that travel between U.S. and Canada is occurring and if we look at the Easter weekend as an example, we see an increase in travel.

#### Watch Out For/If Asked

- Western Hemisphere Travel Initiative has been in the news in Bangor. Businesses on both sides believe that WHTI impedes travelers wanting to cross the border for some quick shopping.
  - WHTI is a relatively new program. It went into affect for the air environment in 2007 and for the land and sea environment June 2009. The U.S. is asking for travelers and visitors entering the country to have passports or other documents to enable CBP agents and officers to identify a traveler quicker and more reliably. The WHTI compliant documents also make it increasingly difficult for an imposter to use someone else's documents. Again, the numbers of travelers and



pedestrians processed in one holiday weekend would illustrate that travelers are complying with the law and that travel between the two countries continues. It is important to note that during the 2009 Easter Weekend, the WHTI requirement was not in affect but this year's numbers show an increase in travel even with the requirement in place.

## **TOPIC 2 Border Security**

- Striking a balance between border security and facilitating trade and travel is important. To achieve that balance, CBP uses a layered approach to border security including advanced technology, our partnerships, and our employees. This layered approach allows CBP to focus on shipments and travelers who may pose a threat while allowing trusted travelers including commercial truckers to process through ports of entry quickly. CBP has many systems, programs and measures we use in our layered approach but I'll touch on three:
  - Secure Freight Initiatives are actions CBP has taken to secure the global supply chain. We are using a risk-management based, layered enforcement approach, an effort that includes advance information, sophisticated technology and partnerships with the trade community and other countries.
    - Following cargo scanning deployments to several foreign seaports, CBP focuses on future scanning deployments on high-risk trade corridors, which represent the greatest threats to the U.S. Prioritizing deployments in this way will maximize the security benefits with the resources provided.
    - Strong partnerships with the trade and foreign governments are an additional layer of security. For example, C-TPAT (Customs Partnership Against Terrorism) and CSI (Container Security Initiative) enable CBP to enhance security in parts of the supply chain beyond our borders.
  - Non-Intrusive Inspection (NII) technology has been a key component of CBP's layered enforcement strategy.
    - Technologies include large scale X-ray and gamma-ray imaging systems and portable and hand-held technologies.
    - Allows CBP officers and agents the ability to examine a larger portion traffic while facilitating the flow trade, cargo and passengers.
    - The images produced by NII equipment enables the agent or officer to discern changes in density within the vehicle being scanned.
  - Operation Stone Garden is an example of leveraging partnerships at multiple levels to reach common goals. Criminal organizations continually adjust their methods in efforts to escape detection. Our partnership makes is increasingly difficult for them to succeed.
    - Operation Stonegarden is a multilateral enforcement effort between CBP, and state, local, and tribal (SLT) law enforcement agencies with the purpose



- of preventing terrorists, terrorist weapons of mass effect, and other risks to national security from entering the U.S.
- No immigration authority is conveyed to our partners and our partners are not mandated to participate.

### **Watch Out For/If Asked**

- How does CBP respond to accusations that its officers and agents are zealously arresting Canadian citizens who mistakenly enter the country and needlessly harassing Americans returning from Canada?
  - It is reasonable to expect individuals entering the U.S. to do so at an open and authorized U.S. Port of Entry.
  - Border Security in the State of Maine affects the entire United States.
  - CBP is committed to its responsibility of preventing illegal entry of terrorists and terrorist weapons of deterring and apprehending illegal aliens, smugglers, narcotics, and contraband from entering the United States while being transparent to key stakeholders and the communities that we serve.
  - Reciprocally, when CBP witnesses individuals illegally entering Canada, we contact the Royal Canadian Mounted Police.
- Modernizing the Forest City Port where the population is about 5 people.
  - Right now, there is only a proposal to modernize the Forest City port to address a critical national security need. CBP considers landowners to be partners in the port modernization strategy, and if this proposal moves forward, we will work with them to find solutions that balance security with the needs of the local community.
- What are your thoughts about the recent sentencing of the Area Port Director  
(b)(6),(b)(7)(C)
  - CBP does not tolerate corruption at any level from any employee. We have our own Office of Internal Affairs that investigates such matters. We also cooperate with DHS' Office of the Inspector General and with Immigration and Customs Enforcement's Office of Professional Responsibility whenever the need arises.
  - We do have an overwhelming majority of CBP agents and officers who perform their duties with honor and distinction every day putting their lives on the line to protect our nation. What one officer does greatly damages our reputation but we have many more officers who, unbeknownst to them, are repairing that damage by their hard work and commitment to their duties.

- Is CBP achieving 100 % scanning of all container cargo on the ports included in the pilot program?
- CBP has successfully deployed equipment to scan all U.S.-bound containers for nuclear and radiological material in three initial pilot locations in Honduras, Pakistan, and the UK. However, even in these locations, challenges remain with capturing all transshipment cargo, as well as cargo entering by rail.

## **TALKING POINTS**

### **EMPLOYEE TOWN HALL / OPEN HOUSE**

#### **OBJECTIVES**

- Overall mission - emphasize CBP's commitment to securing nation's border while facilitating trade and travel.
- Valuable role of employees.
- CBP is one team

#### **TOPIC 1 CBP MISSION**

- Securing America's borders from those that would do harm is CBP's top priority.

**CBP** is one of the Department of Homeland Security's largest and most complex components, with a priority mission of keeping terrorists and their weapons out of the U.S. It also has a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws.

- It is important to recognize that security and commerce go hand in hand, and it is our responsibility to protect and strengthen both as we conduct our business.
- It deploys the government's largest law enforcement work force to protect at and between ports of entry, supported by air and marine assets.
- CBP uses a layered approach to border security including advanced technology, our partnerships, and our employees.
  - Secure Freight Initiatives are actions CBP has taken to secure the global supply chain. We are using a risk-management based, layered enforcement approach, an effort that includes advance information, sophisticated technology and partnerships with the trade community and other countries.
    - Following cargo scanning deployments to several foreign seaports, CBP focuses on future scanning deployments on high-risk trade corridors, which represent the greatest threats to the U.S. Prioritizing deployments in this way will maximize the security benefits with the resources provided.
    - Strong partnerships with the trade and foreign governments are an additional layer of security. For example, C-TPAT (Customs Partnership Against Terrorism) and CSI (Container Security Initiative) enable CBP to enhance security in parts of the supply chain beyond our borders.

- CBP is committed to its responsibility of preventing illegal entry of terrorists and terrorist weapons of deterring and apprehending illegal aliens, smugglers, narcotics, and contraband from entering the United States while being transparent to key stakeholders and the communities that we serve.

## **TOPIC 2 VALUE OF EMPLOYEES**

- The strength of CBP is its people. We have an overwhelming majority of CBP agents and officers who perform their duties with honor and distinction every day putting their lives on the line to protect our nation. I have watched you calmly and professionally go about the business of securing our homeland here and abroad. I've seen your tears as you buried fallen comrades and your satisfaction at taking down drug shipments and arresting traffickers and criminals of every despicable variety. I have admired your steady determination to protect our country and its people against terrorists, and your commitment to welcoming the millions who arrive to the U.S. every day.
- I will work hard to support all CBP personnel and to provide the tools we will need to continue to keep America safe. I am also committed to working with you to strengthen our efforts to support lawful trade and travel – two missions that are critical in helping our economy recover.
- I also understand that frontline personnel cannot succeed without a professional, flexible and accomplished mission support team. I will look to all of you working around the country to help identify and meet emerging challenges and to provide world-class support to our frontline personnel.

## **TOPIC 3 ONE CBP**

- One CBP—what it is and what it is not. It is a concept where we leverage our strength and knowledge; where we honor the past and win the future by being agile, cooperative and collaborative; and where we integrate to become a CBP that is superior to the sum of its parts.
  - On December 11, 2009 CBP officers from Jackman and Coburn Gore, Maine assisted other law enforcement officers in raising \$710 in three and a half hours waiting tables at the Calzolaio Pasta Company for the Special Olympics. An additional \$550 in donations was also collected by various online contributors. CBP agents from Jackman, Maine made a monetary donation.
  - On September 29, 2009, CBP officers and agents from Fort Fairfield worked together in the seizure of more than 2,100 Methamphetamine and 82 Oxycodone pills that were hidden in a vehicles bumper. CBP further assisted local law enforcement with intelligence from this seizure which subsequently resulted in three individuals being arrested, more than \$14,000 in cash and an additional 1,000 Methamphetamine pills being seized.
  - On September 22, 2009, CBP worked with local law enforcement in Washington County on one of the largest drug seizures to date in Maine. Nearly 3,000 marijuana plants worth between \$6 million and \$9 million were eradicated by law enforcement agencies.

- The traditions and ethic developed by the legacy agencies that make up CBP inform and motivate us every day. We all must treasure and protect these traditions, and honor this history, while looking toward the future.
- Secretary Napolitano and I believe that institutions that share ideas and work together are the ones that learn and truly succeed. I will seek advice and counsel from across the organization to make CBP more transparent, collaborative and stronger. Before a decision is made, we will debate every issue openly and then we will close ranks as a team to execute.
- I am honored to stand at your side and to be at the helm of CBP. I pledge to keep you informed and to listen as we move forward together. I arrive with a deep appreciation for the commitment and contributions of the men and women of CBP that will guide me always as your Commissioner.

**-- CBP --**

**-- CBP --**

## **Canadian / American Border Trade Alliance**

**March 30, 2010**

### **Talking Points**

#### **Introduction**

- Thank the Can/Am Border Trade Alliance task force, and specifically James Phillips, for joining us today and continuing our dialogue concerning US/Canada border issues.
- Recognize them as partners in the CBP mission to balance enforcement and facilitation.
- Assure that CBP continues to focus on the US/Canada border in their efforts or initiatives.
- Reinforce how we are working together to address mutual concerns, and to achieve balance in securing our mutual border, keeping our communities safe, protecting our way of life, and keeping legitimate trade and travel moving by using technology to make the border as efficient as possible.



## **Western Hemisphere Travel Initiative (WHTI)**

- Compliance rates at the Northern border continue to be high – 98% with a national compliance rate at 95%
- Over 4.7 million RFID enabled documents have now been issued:
  - Over 676,000 Enhanced Drivers Licenses
  - Over 2.7 M Passport Cards; 550,000 RFID Border Crossing Cards
  - Over 773,000 Trusted Traveler Cards.

## **Land Border Program Management Office**

- The WHTI PMO Transitioned to the Land Border Modernization office, capitalizing on the initial success, foundation and investment of WHTI implementation – a \$352 million dollar investment.
  - Exploit innovative technologies and processes that will provide efficiencies to the land border
  - One stop enterprise shop for land border primary processing – inbound and outbound.
  - Focus on targeted investments in facility modification, business process re-engineering and technical advancement.
  - Integrated approach whose strategies include:

- Land Border Model Port – radical changes to infrastructure design – holistically incorporating new processes and technologies
- Pedestrian Re-engineering – apply a hybrid WHTI solution to pedestrian processing.
- Outbound Strategy – develop a technical solution to support pulse and surge operations.

### **Automate Wait Times**

- Working with bi-national work group to:
  - address wait time measures (comprised of CBP, CBSA, FHWA, and Transport Canada).
  - pilot technologies to automate measurement of land border wait times.
- Facilitating CBP's agreement with FHWA and Texas DOT regarding RFID measurement of commercial vehicle crossing/wait times on southern border.

### **Initiatives to Minimize Wait Times**

#### **Signage Installation**

- LED signage has been installed in Blaine, WA to:
  - Improve traffic lane management

- Provide direct and clear instructions to travelers
- Increase efficiency in the primary process
- WHTI-compliant lanes can easily be converted to NEXUS lanes, thereby providing ports the luxury of opening additional lanes for their trusted traveler programs.
- Managers will be able to determine how many NEXUS or regular lanes in advance based on past volume analysis.
- El Paso, Tucson, Laredo, San Diego, Boston, Buffalo, Detroit all under design review
- Tentatively scheduled to begin deployments in Fall
- There are currently 393,050 members enrolled in the NEXUS program.

### NEXUS

- NEXUS member crossings accounted for 8% of the total Northern Border crossings in FY 2009.
- 2 new NEXUS/FAST Enrollment Centers were opened in Calais, Maine and Fort Frances, during 2009.
- Lansdowne ON/Alex Bay, NY Enrollment Center opened on December 14, 2009.

## **Commercial Programs**

### **“10+2” Program**

- As CBP moves further into the official enforcement mode for “10+2”, CBP has developed a phased-enforcement strategy that begins by focusing on obtaining the data.

- From January 1, 2010 to March 12, 2010, CBP has received:

Over **1.65 Million ISF-10s**

From over **2,160 ISF Filers**

Representing more than **99,000 ISF Importers (IOR#s)**

- The acceptance rate for ISF-10 submissions has remained steady at 95%.
- CBP has participated in **more than 30** webinars, meetings, conferences, and other outreach activities since the publication of the interim final rule. Overall, CBP has reached well over **15,000** participants via these outreach activities.
- CBP has been involved in several rounds of discussions with their counterparts at the Canada Border Services Agency (CBSA) in an effort to fully harmonize “10+2” on both sides of the border.

### FAST (Free and Secure Trade Act) Line Release

- There are currently 7 dedicated FAST lanes strategically placed along the Northern Border:
  - Blaine, Detroit, Port Huron, Champlain

### ACE E-Manifest (Truck only)

- Migration from FAST stand alone system to ACE was completed October 25, 2009. System provides a single system (ACE) for FAST data input. Validations are now completed electronically through ACE
- The Automated Commercial Environment (ACE) electronic truck manifest capabilities are available to 99 U.S. land border ports of entry and, on average are 33% faster than paper manifests.
- Currently there is a 99% compliance rate with carriers required to file E-Manifest and CBP is processing approximately 190,000 trucks nationally per week. There are more than 15,000 ACE Data Portal accounts.
- The national average primary processing and northern border primary processing time for ACE has shown a slight increase from 2007 to 2010 with the increase noted starting in 2008.



- CY 2007 national average primary processing time 55 seconds
  - CY 2009 national average primary processing time 62 seconds
  - CY 2007 Northern Border average primary processing time 57 seconds
  - CY 2009 Northern Border average primary processing time 65 seconds
- This increase can be partially attributed to the additional information that CBP Officers are required to enter for driver/crew on all crossings without a pre-filled e-Manifest in ACE for WHTI. Ports that have higher rates of crossings that do not file e-manifest have shown a higher increase in primary processing times over ports with higher rates of pre-filed e-manifest.
- This increase could be mitigated by encouraging carriers to file e-manifest for additional shipment types that are currently exempt by regulations or policy such as empties, section 321 and section 10.41a. This would reduce the amount of information that is required to be entered by the primary CBP Officer.

- Although primary processing time (dwell time) is an important statistic for evaluating success at facilitating legitimate trade it can not be used without including other statistics such as border wait times and secondary referral rates concerning non-enforcement paperwork issues.

#### Trusted Shipper Programs

- C-TPAT and CBSA's Partners in Protection (PIP) Program have made significant progress in terms of harmonizing procedures since the signing of Mutual Recognition in June of 2008. C-TPAT and PIP have been accepting the validation findings conducted by the other program, but occasional joint validation visits take place as a means of exchanging best practices.
- In August 2009 C-TPAT and PIP completed an examination study indicating C-TPAT members were 5 times less likely to undergo an examination at the northern border; the study also concluded that PIP needs to develop benefits equivalent to C-TPAT's for its own members.

- PIP is considering developing an automated system capable of interfacing with the C-TPAT Web Portal. Conceptually, this will allow new members which are able to apply to both programs to submit one application for review. The weight of the work to move to greater alignment between these two programs rests with the CBSA and is dependant upon the development of a web portal by PIP.
- CBP and CBSA will continue to develop the operational requirements associated with the current Mutual Recognition Arrangement to ensure consistency of policies, procedures and thresholds in preparation for harmonization.

### **Watch Out For/If Asked**

- They may ask where we are in the In-Transit Pilot Program
  - Possible Answer: The In-Transit Pilot Program has been delayed at the direction of Chief Counsel, pending completion of the NPRM and FRN process by OIT. Pilot date TBD following completion of the aforementioned. Action Officer is (b)(6),(b)(7)(C) OIT.
- They may ask where we are in Streamlining Credentials within the Commercial Environment:
  - Possible Answer: The credential issues are currently under review by DHS. CBP has reached out to all stakeholders to ascertain the number of credentials that may be considered redundant and to jointly develop a strategy to reduce the number of credentials where possible. This process, which includes credentialing requirements for multiple agencies within DHS was previously tasked to Cargo Verification, which no longer exists.

- They may press for more FAST and NEXUS lanes, now that the capability is available.
  - Possible Answer: Despite the capability to convert lanes to Trusted Traveler processing, the physical restrictions that border crossings pose make a decision to convert too large a number detrimental to port operations. The bottleneck created would hamper traffic flow and counteract the effort of opening the additional lanes.



## **CBP Fiscal Year 2011 Budget Talking Points and Q&A**

(Based on the FY 2011 Congressional Briefing presentation)

Draft 1.29.2010

### **FY 2011 PROGRAM CHANGES**

#### **INCREASES:**

**\$61.6 M**

#### **Data Center Migration (\$26.6M)**

- The FY 2011 Budget requests an increase of \$26.6 million for the Data Center consolidation effort, which will standardize Information Technology (IT) resource acquisitions across components, and streamline maintenance and support contracts.

#### **Intellectual Property Rights Enforcement (\$25M)**

- The increase in IPR program funds will support the implementation of CBP's multilayered 5-year strategy for enhancing IPR enforcement. This strategy takes into account the trade landscape and focuses work in three areas of the international trade process: pre-entry, entry, and post-entry.
- The increase in funds will allow CBP at pre-entry to focus its targeting and enforcement efforts on known IPR violators and on less trusted imports for which it lacks advance information.
- The increase in funds will allow CBP at pre-entry to establish supply and distribution chain management programs - with input from stakeholders - that will provide CBP with advance information on legitimate shipments. This will improve targeting and enforcement efforts by facilitating legitimate trade and allowing greater focus on known IPR violators and on less trusted imports for which CBP lacks advance information.
- At post-entry, CBP's will strengthen the deterrent effect of fines and penalties by appropriately levying them and increasing collections, expanding and increasing the effectiveness of IPR audits in depriving counterfeiters and pirates of their illicit profits, and combating criminal counterfeiting in collaboration with ICE.

**Q: What are the key challenges that have limited CBP's ability to achieve a more effective IPR enforcement process?**

**A:** CBP's IPR enforcement challenges include:

- Lack of advance information on legitimate imports, which creates targeting inefficiencies;

- o Non-criminal/administrative laws for IPR enforcement that are focused on seizure of goods and do not deter violations;
- o High-quality counterfeit and pirated products that make infringement determinations much more challenging than they were a few years ago;
- o Minimal to non-existent partnerships with the trade community outside of rights holders; and
- o Low collection amounts for penalties and uncollectible penalties.

**Q: What are CBP's critical needs to ensure a successful implementation of the 5-Year Strategy for IPR Enforcement?**

A: To successfully implement our strategy for IPR enforcement, CBP needs additional staff, better technology and enhancements to our current systems.

**Intelligence Analyst Staffing (103 positions) (\$10M)**

- Adding intelligence analyst positions will provide enhanced targeting capabilities and liaison and analytic collaboration with external partners, as well as increase our overall information-sharing goal – one of the Secretary's 2010 priorities.
- These positions will be located in Intelligence and Operations Coordination Centers around the country – bringing more and better quality action intelligence to the field – as well as at CBP headquarters.
- These positions will be vital to improving and streamlining information sharing between and among law enforcement personnel to help secure our borders.

**Q: What will these employees be doing? Will they help prevent future attacks like 12/25?**

A: Adding intelligence analyst positions will provide enhanced targeting capabilities and liaison and analytic collaboration with external partners, as well as increase our overall information-sharing goal – one of the Secretary's 2010 priorities.

**DECREASES:**

**\$459.8M**

**BSFIT (\$158.3M)**

- The FY 2011 Budget requests a reduction of (\$158.3) million for BSFIT, this reduces funding for new Tactical Infrastructure (TI) investments and eliminates SBInet Block 2 design and development which focuses on enhanced capabilities.

- The FY 2011 Budget requests a baseline decrease of (\$30.6) million for adjustments in the schedule for SBI, as completion of the initial Block 1 deployments have been delayed to assure system performance.
- The baseline funding level maintains CBP's investment in priority border technology, including the construction, deployment and evaluation of Block 1.
- CBP is currently working to complete testing and initial deployment of the SBInet Block 1 system to two locations in Arizona, and is committed to first ensuring the quality and operational effectiveness of the Block 1 system before continuing with additional investments.

#### **Container Security Initiative (\$50.7M)**

- Established in 2002, the Container Security Initiative (CSI) was created to identify and examine high risk containerized maritime cargo; prior to lading foreign and before shipment to the U.S.
- CBP has achieved success in using advanced data to identify and interdict high risk cargo through targeting, technology, and partnerships. With improvements in this multilayered enforcement strategy, CBP is now in a strong position to transition the majority of targeting to the National Targeting Center, which is more cost effective.
- Since its inception in 2002, CSI program has matured. CBP's ability to target high risk containers has progressed to the point that much of the work can be done from CBP's U.S. location rather than through physical presence overseas.
- CBP will transition from a physical presence to a virtual presence and rely more heavily upon technology at the National Targeting Center (NTC). Accordingly, this will allow the program to become more efficient and less costly.
- CBP will continue to screen all high risk containers for illegal materials.
- CSI program will be more technology driven and utilize more efficient concepts of operations through:
  - Remote Targeting
  - Remote Examinations
  - Reciprocal Relationships
  - Possible Location Closures

#### **Q: What changes will occur in the CSI operation?**

A: CSI program will be more technology driven and utilize more efficient concepts of operations:

- Remote Targeting – Future targeting will be performed from the National Targeting Center – Cargo.
- Remote Examinations – CBP will work with host governments to perform exams on identified targets, NII images and data will be transferred to NTC-C for analysis and release decisions
  - Ex: Australia, New Zealand, Israel
- Reciprocal Relationships – Canada Border Services Agency (National Risk Assessment Centre) referrals to CBP (NTC-C) and vice versa; host government performs examinations on behalf of requesting agency.
- (IF ASKED) Possible Location Closures - Low risk locations with low volumes of exams will be considered for closure in favor of utilizing technology and partnership driven solutions. Locations experiencing changing economic conditions will also be considered.

#### **SFI (\$16.6M)**

- The Secure Freight Initiative is a joint effort between the departments of Homeland Security (DHS) and Energy (DOE) to strengthen global supply chain security by scanning shipping containers for nuclear or radiological materials before they are allowed to depart for the United States.
- CBP is focusing on more effective technologies and strategies within SFI, while reducing operational costs. By consolidating from 5 to 2 SFI ports, SFI will be able to focus more efficiently on high-risk cargo containers while also continuing to explore new technologies and equipment.

#### **Western Hemisphere Travel Initiative (WHTI) (\$24.5M)**

- The FY 2011 Budget requests a reduction of (\$24.5) million for the Western Hemisphere Travel Initiative (WHTI).
- WHTI was successfully implemented on June 1, 2009 with a national compliance rate of 95%. CBP will now focus efforts related to WHTI on maintaining this achievement.
- The funding reduction reflects a transition of the program to operations and maintenance mode.

- WHTI efforts will continue to secure our borders, while facilitating trade and travel, with the deployment of the RFID technology as an integral part of 500 inbound lanes at land border ports of entry.

#### **BPA premium Pay and Staffing (181 BPA decrease) (\$31.7M)**

- Today, the Border Patrol is better equipped than any period in its 85 year history. This is credited to its intensive efforts to increase manpower, improve infrastructure and the utilization of smarter technology,
- The Border Patrol has developed partnerships with Federal, State, local and Tribal agencies that act as force multipliers. This coupled with inter-agency cooperation within CBP, such as enforcement operations with the Office of Air and Marine and the Office of Field Operations, has allowed the Border Patrol to extend operational control.
- Border Patrol has nearly doubled the number of agents since FY 2004 from approximately 10,000 agents to more than 20,000 today.
- The Border Patrol will maintain effective control of our nation's borders by utilizing current technology and infrastructure while maintaining a force of approximately 20,000 agents for FY 2011.
- Along the northern border the Border Patrol has increased the number of agents from approximately 1,000 in FY 2004 to nearly 1,900 today.
- Border Patrol plans on maintaining and increasing the number of agents on the northern border with a projected 2,200 agents deployed along the northern border in FY 2011.

#### **BPA Premium Pay**

- The reduction of premium pay is based on readjusting operational work schedules to decrease premium pay hours. This information would be law enforcement sensitive and is not for public dissemination.

**Q. How will the Border Patrol maintain effective control if they are actually decreasing the number of agents for FY 2011?**

A. While it is true that the projected number of agents for FY 2011 is 181 less than FY 2010, this is a small fraction of the more than 20,000 agents and should not effect Border Patrol operations.

**Q. Are Border Patrol agents going to be fired in FY 2011 to reduce the number?**



A. FY 2011 manpower numbers are calculated based on projected attrition rates and retirements. There are no plans to fire or lay off Border Patrol agents.

### **Journeyman Increase**

- CBP requests an increase of \$310.4 million to fund the journeyman grade level for frontline CBP officers, Border Patrol agents and Agricultural specialists from the GS-11 to GS-12 level due to the evolving nature of frontline position demands and CBP mission requirements, which includes a focus on terrorist activities.
- The journeyman increase reflects the outcome of a rigorous CBP review of the nature of frontline employees' work requirements, and it will provide the appropriate level of compensation for the jobs they perform.
- Frontline work performed by officers, agents and specialists requires GS-12 level knowledge, skills and abilities that include:
  - Knowledge of a wide variety of laws to enforce
  - Increased scope of responsibilities that includes an anti-terrorism focus
  - Focusing on intelligence-driven, proactive operations
  - Deploying sophisticated technology
  - Increasing border violence
  - Demanding physical requirements in a law enforcement environment

**Q: Aside from the broadened anti-terrorism mission, what other factors went into the decision to offer the Journeyman pay increase?**

A: CBP invests considerable resources recruiting, training and preparing its frontline personnel for the jobs they perform. CBP is striving to ensure it can retain its well-trained and qualified frontline employees.

**Q: If funding was not secured to implement the Journeyman increase, then why was it announced to begin in March 2010 by the Secretary and followed by the Acting Commissioner?**

A: Secretary Napolitano announced that it was anticipated this increase would be effective during the first quarter of Calendar Year 2010. While the budget will not allow 2010 implementation as committed, CBP FY2011 budget request includes funding required for full implementation.

### **Appropriated Funding for CBPOs (318 CBPOs-\$46.9 million)**

- Due to the global recession User Fee collections have declined approximately 8 percent (from \$1,457 to \$1,352 million) and while User Fees are impacted by the economy enforcement activities are not.

- A decline in the numbers of inspections performed does not correlate with the number enforcement activities performed at ports of entry.
- In many cases, CBP enforcement activities have grown, not declined and in fact across the wide variety of enforcement activities, CBP experienced an almost 7% increase in enforcement activities from FY 2008 to FY 2009.
- Declines in fee collections are a significant challenge to CBP, especially in the face of rising enforcement requirements. Currently 37% of Customs and Border Protection Officers (CBPOs) are funded through fees. CBP cannot afford to reduce its current level of inspections and enforcement activities.
- To counter a decline in collections, CBP will have to reprogram/request more appropriated funds or impose a hiring freeze to stop backfilling CBPOs to absorb the reduction in fee revenue; consequently, CBP is requesting \$46.9 million fund 318 CBPOs and 71 support personnel who could not be supported by user fees.

**Q: Will hiring more CBPOs increase the collection of inspection fees from millions of air and sea passengers and commercial conveyances entering the United States every year?**

A: No, hiring additional CBPOs does not translate into an increase in user fees, it supports CBP's anti-terrorism focus by enhancing aviation security through passenger processing and ensuring safe cargo importations and screening conveyances moving through ports of entry port security.

#### **OIT Reduction (\$74.4M)**

- OTD cuts will be primarily in support areas not training delivery. Reduced hiring levels in FY 10 are driving the training academy delivery needs.
- Temporary duty assignments (TDY) levels at delivery sites have been reduced significantly as hiring needs have slowed.
- Cuts were done by creating efficiencies in travel, training and in-house training development.
- OTD cost efficiencies were also possible with in reduced contract costs which were converted or phased out.

**Q: Will the 50 FTEs cut at HQ and at the Academies be re-assigned?**

- A: No, these positions will not be reassigned as the staffing levels are driven by operational component hiring.
- Q: **How will reduced hiring numbers impact the number of academy classes and is this reduction part of the budget decision to cut the OTD budget by \$24M?**
- A: The reduced hiring numbers will lower the total number of classes to be conducted at the Academies. The decreased level of training helps to offset the total reduction by lowering: student travel, tuition, and supplies; detailed instructor travel.
- Q: **Will there be a decrease in the number of sessions/classes per year at the academies thus decreasing student travel and the need for TDY instructors?**
- A: Yes, the total reduction will represent a decrease in the number of sessions/classes per year, as well the related costs for the training. Again, this is based on operational component hiring needs and is subject to adjustment to meet mission needs.
- Q: **Will this cut be across all of the academies to include the two K9 academies?**
- A: The majority of the cuts will be seen at the two largest academies (BPA and FOA) as their student flow is heavily based on entry-level instruction for new hires.
- Q: **Will cuts in OTD impact the level and quality of training for frontline employees?**
- A: No, training will continue at the high-quality level that currently exists for all frontline employees.

#### **Sustaining Stimulus Buys and Builds**

- Due to available funds from projects awarded under budget, U.S. Customs and Border Protection (CBP), in support of the American Recovery and Reinvestment Act of 2009 (ARRA) land port of entry (LPOE) modernization initiative, plans to submit a revised Spend Plan and Acquisition Plan to include ten additional LPOEs to the capital projects list.
- In late summer 2009, CBP awarded design/build construction contracts for modernization projects at 17 CBP-owned LPOEs. These awards resulted in significant cost savings, providing CBP the opportunity to move additional projects into its capital construction expenditure plan.
- The ten additional projects will be added to the Spend Plan based upon the LPOE capital investment strategy and the requirements set forth in ARRA.

**Q: What benefits does CBP anticipate by adding more locations for ARRA projects?**

A: CBP proposes plans to add 10 reserve sites to its capital projects list, in an effort to further promote economic stimulus and CBP's operational requirements. This will allow CBP to complete replacement projects at all CBP-owned LPOEs targeted for reconstruction on its priority list.

**Q: Will the additional 10 sites follow a different process than the initial 17 ports of entry selected for full construction projects?**

A: The acquisition strategy for the additional sites, similar to those previously awarded, will be in line with current goals of competition, economic stimulus, border security, and trade facilitation. Further, the acquisition strategy will incorporate and emphasize the use of small businesses, ensuring that CBP remains committed to the Nation's economic recovery and growth.

#### **OTHER IMPACTS**

**C-TPAT (\$12M)**

**FLAP (\$19.9M)**

**OTD (\$24.3M)**

**Human Resources Management Reductions (\$4.2M)**

**Office of Administration Reductions (\$8M)**

**Other (\$7.5M)**

From: (b)(6),(b)(7)(C)

Sent: Friday, January 29, 2010 3:58 PM

To: (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) O'CONNELL, MARIA L.

Cc: (b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

## **SECURE BORDER INITIATIVE**

*The Associated Press* is expected to run a story Monday on the *SBI*net regarding its current status and the department wide review. Executive Director Mark Borkowski and Boeing Program Manager, Tim Peters, were interviewed. The story is expected to be neutral to negative.

### *Talking Points*

- The SBI program office within CBP was established to manage the development, deployment, and integration of SBI acquisition programs, as well as perform an integration and coordination function for border security programs. SBI supports CBP's front-line agents and officers by deploying an optimal, integrated solution that includes technology and tactical infrastructure. The SBI mission is to lead the operational requirements support and documentation as well as the acquisition efforts to develop, deploy, and integrate technology and tactical infrastructure in support of CBP's efforts to gain and maintain effective control of U.S. land border areas.
- The first deployment of *SBI*net, known as Block-1, will cover the Arizona/Mexico portion of the southern border. Tucson-1 or TUS-1 is the first of two operational deployments of the *SBI*net Block 1 deployment. TUS-1 will be deployed in the Tucson Sector and covers approximately 23 miles of the border near the Sasabe, AZ, Port of Entry. Project



components include 9 sensor towers; 8 communication towers (4 of the 8 communication towers are already in existence); 200 unattended ground sensors. TUS-1 will overlay P-28. Construction began on TUS-1 on May 11, 2009.

- The initial deployment of Block-1, Tucson-1 and Ajo-1, will cover a total of 53 miles of the border. Based on the successful completion of the Systems Qualification Testing, SBI was given approval by DHS to complete construction by hanging "payload," the sensor suite associated with each tower, on May 22, 2009. Construction is due to be complete later this summer.
- Current delays in the program are caused by CBP's commitment to review the quality and effectiveness of the system. As previously reported, a number of technical issues were identified with the system as a result of testing over the last year. Although the issues were not considered to be "show-stoppers," we did feel it prudent to address each of them very deliberately and comprehensively. As a result, we took the time to do full-engineering analysis, design corrections, and fully test the corrections. We've completed most of that, but it has taken time. It has also impacted the design of future testing--including the System Acceptance Testing and ultimately the Border Patrol's operational testing. We have to accommodate the system corrections into the detailed test planning, which is a comprehensive and time-consuming effort. We specifically chose NOT to take excessive short cuts, which might have made the near-term schedule appear better but would likely have created new delays in the future.

To mitigate the delays, we are now working with Boeing so that we can use the "as is" system over the next few months, even before we do the extensive testing. In that way, we can get most of the operational benefit we would have gotten if we had been able to maintain the schedule, while still protecting the government equities to ensure we don't fully accept the system until we are ready.



**From:** (b)(6),(b)(7)(C)  
**Sent:** Tuesday, January 26, 2010 5:23 PM

**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.

**Cc:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) JAYSON P ( Acting Commissioner); (b)(6),(b)(7)(C) AHERN,

**Subject:** Tomorrow's News

**Electronic System for Travel Authorization (ESTA)**

The Wall Street Journal will publish a story on Thursday, January 28, on the recently announced enforcement of the Electronic System for Travel Authorization for travelers from Visa Waiver Program (VWP) countries. Neutral to negative tone expected.

*Talking Points*

- The United States has been and continues to be a welcoming nation. CBP's dual mission is to facilitate travel in the United States while securing our borders, our people, and our visitors from terrorists and terrorist weapons that may cause harm.
- CBP not only protects U.S. citizens and lawful permanent residents in the country but also wants to ensure the safety of our international travelers who come to visit, study, and conduct legitimate business in our country. We do this by denying the entry of individuals who have the intent to disrupt our free and open society.
- We continued our efforts to facilitate the entry process for VWP travelers into the United States by implementing the ESTA requirement on January 12, 2009.

- Effective January 20, 2010, CBP will initiate a transition to enforced compliance for the ESTA requirement for VWP travelers. Air carriers are expected to begin checking for ESTA compliance and deny boarding to non-compliant travelers.
- Beginning January 20, 2010, VWP travelers without an approved ESTA may not be allowed to board a U.S. bound plane.
- Airline carriers will have a 60-day transition period to comply with ESTA enforcement. After the 60-day period, which ends on March 20, 2010, airline carriers allowing VWP travelers to reach a U.S. port of entry without an approved ESTA will be fined.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Saturday, January 16, 2010 7:15 PM  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA  
**Subject:** Fw: Tomorrow's News

(b)(7)(E)

**From:** (b)(6),(b)(7)(C)  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Sent:** Sat Jan 16 19:00:16 2010  
**Subject:** Tomorrow's News

CONGRESSWOMAN GIFFORDS VISITS INTERSTATE 19 INTERIM CHECKPOINT CONSTRUCTION SITE

KOLD 13, KVOA 4, KGUN 9 will air a story tonight on Congresswoman Giffords' visit to the construction site for the interim checkpoint facility on Interstate 19. Green Valley News is expected to run the story on Wednesday.

**Talking Points**

- Construction began on the interim checkpoint facility on January 4, 2010.
- Construction is expected to be completed within 90 days of the start date.
- Congresswoman Giffords is happy that the construction has begun.
- The Border Patrol has worked with the local communities to minimize the impact of the construction.

(b)(6),(b)(7)(C)

Tucson Sector Communications Division

(b)(7)(E)

- Office
- Cell
- Fax

**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, September 16, 2009 6:27 PM  
**To:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) AHERN, JAYSON P ( Acting Commissioner); (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C)

**Subject:** Tomorrow's News (Late)

**CBP ADVISES IMPLEMENTATION OF 35% AD VALOREM DUTY ON TIRES**

CBP will issue a news release tomorrow to announced to the trade community plans to assess an additional 35 percent ad valorem duty on certain tires of Chinese origin.

*Talking Points*

On September 11, President Obama signed a proclamation imposing additional duties on certain passenger vehicle and light truck tires from China for three years. The additional duty is 35 percent ad valorem the first year, 30 percent ad valorem the second year and 25 percent ad valorem the third and final year. This duty is in addition to the general rate provided in column one of the Harmonized Tariff Schedule of the United States (HTSUS).

Specifically, the tires subject to this additional duty are new pneumatic rubber tires, from China, of a kind used on motor cars (except racing cars) and on-the-highway light trucks, vans, and sport utility vehicles and are, generally, mounted onto the rims of passenger cars, sport utility vehicles, vans, and light trucks. These tires are classified in subheadings 4011.10.10, 4011.10.50, 4011.20.10, or 4011.20.50, HTSUS.

**From:** (b)(6),(b)(7)(C)

**Sent:** Friday, August 28, 2009 11:36 AM

**To:** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

O'CONNELL, MARIA L.

**Cc:** (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

AHERN, JAYSON P ( Acting Commissioner);

(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

(b)(7)(E),(b)(6),(b)(7)(C)

## JUVENILE DRUG SMUGGLERS

Washington Post this weekend may move a story featuring an interview with Port Director (b)(6),(b)(7)(C) about juvenile drug smugglers being detected at SWB ports of entry by CBP officers.

### *Talking Points*

- It is not unusual for CBP officers to encounter people age 17 and younger smuggling drugs at border ports. Drug trafficking organizations will use all types of people in their attempts to smuggle drugs in the U.S.
- Juvenile smugglers are often attracted to smuggling because of the "easy cash" and the promise from drug traffickers that they will not be vigorously prosecuted because of their youthful status.
- Juvenile border crossers are subject to the same inspection procedures as any other border crosser. As a result, CBP officers can successfully identify and stop drug smuggling attempts made by juveniles.
- In El Paso, the majority of juvenile drug smugglers are U.S. citizens driving cars with drugs concealed in the vehicle while a smaller percentage are body carriers.

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Wednesday, September 16, 2009 9:10 PM  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** Re: Tomorrow's News (Late)

(b)(7)(E),(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**From:** (b)(6),(b)(7)(C)  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)  
**Sent:** Wed Sep 16 20:51:14 2009  
**Subject:** FW: Tomorrow's News (Late)

(b)(7)(E),(b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Deputy Chief of Staff  
U.S. Customs and Border Protection  
Phone: (b)(7)(E)

**From:** (b)(6),(b)(7)(C)  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.  
**Cc:** (b)(6),(b)(7)(C)  
(b)(7)(E)  
(b)(7)(E) AHERN,  
JAYSON P ( Acting Commissioner); (b)(7)(E)  
(b)(7)(E)

**Sent:** Wed Sep 16 18:26:32 2009  
**Subject:** Tomorrow's News (Late)

### CBP ADVISES IMPLEMENTATION OF 35% AD VALOREM DUTY ON TIRES

CBP will issue a news release tomorrow to announced to the trade community plans to assess an additional 35 percent ad valorem duty on certain tires of Chinese origin.

#### *Talking Points*

On September 11, President Obama signed a proclamation imposing additional duties on certain passenger vehicle and light truck tires from China for three years. The additional duty is 35 percent ad valorem the first year, 30 percent ad valorem the second year and 25 percent ad valorem the third and final year. This duty is in addition to the general rate provided in column one of the Harmonized Tariff Schedule of the United States (HTSUS).

2/3/2011



Specifically, the tires subject to this additional duty are new pneumatic rubber tires, from China, of a kind used on motor cars (except racing cars) and on-the-highway light trucks, vans, and sport utility vehicles and are, generally, mounted onto the rims of passenger cars, sport utility vehicles, vans, and light trucks. These tires are classified in subheadings 4011.10.10, 4011.10.50, 4011.20.10, or 4011.20.50, HTSUS.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, September 17, 2009 5:40 PM

**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L.

**Cc:** (b)(7)(E)  
 (b)(7)(E)  
 (b)(7)(E) AHERN, JAYSON P ( Acting Commissioner); (b)(7)(E)

**Subject:** Tomorrow's News

## GAO REPORT ON SBI

*The New York Times, the Associated Press, and Bloomberg News* are expected to post stories regarding the recent SBI related GAO report, Congressional hearing, and Boeing contract extension this evening and tomorrow.

### Talking Points

- U.S. Customs and Border Protection generally concurs with the report, however the report does not acknowledge some of the significant factors that have contributed to program volatility and delays. The draft report contains one recommendation. CBP concurs with this recommendation.
- Effective control of the border is gained by applying the proper mix of tactical infrastructure, personnel, and technology.
- Any study of the effects of tactical infrastructure on border control will also have to take into consideration other contributing factors such as where, when and how illegal cross-border activity occurs to include terrain, population centers, and egress routes from the immediate border area. Situational awareness provided by SBInet is also an important component of the enforcement model and the full benefit of this tactical infrastructure cannot be realized until this technology is deployed. In May 2008, the Office of Border Patrol created the analysis of alternatives to guide field personnel through the process of considering and determining what and how much infrastructure would be most effective in gaining effective control in a given area. To further augment the AOA process, OBP is considering the use of independent researchers to conduct evaluations and propose objective recommendations to form future decisions. If OBP elects to award this project to an academic institution or a contractor, it will be done by the end of calendar year 2010. These assessments are subject to available funding.
- U.S. Customs and Border Protection today awarded a one year option period to The Boeing Company to continue work on the Secure Border Initiative. Originally awarded on September 18, 2006, the contract provides CBP flexibility to complete work currently under contract. The award of this option period will allow CBP to complete the first deployments of SBInet in Arizona while CBP determines the appropriate path forward for acquisition strategy. The contract with Boeing is an indefinite-delivery indefinite-quantity (IDIQ) contract that provides CBP flexibility in completing work on the Secure Border Initiative. Authorization of the option year period of performance does not award new work to Boeing, but provides for completion of work in progress and allows CBP to order new work during the next year.

From: (b)(6),(b)(7)(C)

Sent: Friday, September 18, 2009 5:35 PM

To: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

O'CONNELL, MARIA L.

Cc: (b)(7)(E)

(b)(7)(E)

AHERN, JAYSON P ( Acting Commissioner); BRODSKY,

(b)(7)(E)

(b)(7)(E)

Subject: Tomorrow's News (late)

(b)(7)(E),(b)(6),(b)(7)(C)

## SISTER OF LOCKERBIE BOMBING VICTIM DEPORTED

*The New York Times* is expected to post a story potentially this weekend or early next week regarding a traveler (Ms. Marina Azumendi De Larracoechea) who was deemed inadmissible at JFK in 2007, and was subsequently deported. (Ms. Larracoechea's sister (b)(6),(b)(7)(C) was a victim of the PanAm Lockerbie bombing). Ms. Larracoechea was ultimately deported to El Salvador (where she is not from) and her Spanish passport was seized. CBP OPA and ICE OPA are coordinating.

### Talking Points

- Ms. Marina Azumendi De Larracoechea was inspected at JFK and found inadmissible as a Legal permanent resident under the Immigration and Nationality Act. She was released and given a notice to appear in front of an immigration judge who made the final decision on her case. Due to the Privacy Act CBP cannot discuss specific details of this case.
- Further inquiries about removal proceedings should be referred to the ICE Detention and Removal Office.

## SECURE BORDER INITIATIVE ON 60 MINUTES

*60 Minutes* is expected to air a piece on *SBI*net, although the new season does not start until September 27, it is feasible given the GAO report and Congressional hearing of this week that the piece will air this weekend. The piece interviewed Chief Aguilar and SBI Executive Director, Mark Borkowski and is expected to question whether the value of *SBI*net justifies the expense. It is also anticipated that the GAO, Congress, and the Border Patrol union may be included in the piece.

### Talking Points

- The SBI program office within CBP was established to manage the development, deployment, and integration of SBI acquisition programs, as well as perform an integration and coordination function for border security programs. SBI supports CBP's front-line agents and officers by deploying an optimal, integrated solution that includes technology and tactical infrastructure. The SBI mission is to lead the operational requirements support and documentation as well as the acquisition efforts to develop, deploy, and integrate technology and tactical infrastructure in support of CBP's efforts to gain and maintain effective control of U.S. land border areas.
- The first deployment of *SBI*net, known as Block-1, will cover the Arizona/Mexico portion

of the southern border. Tucson-1 or TUS-1 is the first of two operational deployments of the SBInet Block 1 deployment. TUS-1 will be deployed in the Tucson Sector and covers approximately 23 miles of the Arizona/Mexico border near the Sasabe, AZ, Port of Entry. Project components include 9 sensor towers; 8 communication towers (4 of the 8 communication towers are already in existence); 200 unattended ground sensors. TUS-1 will overlay P-28. Construction began on TUS-1 on May 11, 2009.

- The initial deployment of Block-1, Tucson-1 and Ajo-1, will cover a total of 53 miles of the border. Based on the successful completion of the Systems Qualification Testing, SBI was given approval by DHS to complete construction by hanging "payload," the sensor suite associated with each tower, on May 22, 2009. Construction is due to be complete later this summer.
- The current deployment will lead to a more formal operational test and assessment from the Border Patrol to determine how well the system meets the Border Patrol's needs. That will then advise future updates and changes and enhancements to the system as well as a decision by DHS to fully deploy the system. This will occur early next year.
- Regarding the GAO report, U.S. Customs and Border Protection generally concurs with the report, however the report does not acknowledge some of the significant factors that have contributed to program volatility and delays. The draft report contains one recommendation. CBP concurs with this recommendation.

From: (b)(6),(b)(7)(C)

Sent: Monday, September 21, 2009 3:48 PM

To: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

O'CONNELL, MARIA L.

Cc: (b)(6),(b)(7)(C)

Subject: Tomorrow's News

### APPREHENSION AND DEATH STATISTICS

National Public Radio's *All Things Considered* will air an interview tonight with the Border Patrol's Planning, Policy and Analysis Division Chief David Hoffman. The focus of the interview is that although Border Patrol apprehensions are down, death rates have not declined.

#### ***Talking Points***

- Working closely with the GOM, the Border Safety Initiative was implemented.
- The primary objective of the Border Safety Initiative is the reduction of injuries and prevention of deaths in southwest border region and the creation of a safer border environment.
- The Border Patrol has an aggressive awareness campaign to promote border safety, inform potential migrants of the hazards of crossing the border illegally and to respond to those who are in life-threatening situations. This includes video and audio public service announcements as well as posters.
- We utilize tools such as Forward Operating Bases and Rescue Beacons to aid in rescue efforts along the border.
- As we gain operational control of the border, smugglers attempt to use more remote areas to avoid detection.



## **CBP BORDER CROSSINGS AND SWINE FLU**

Gannett is planning to run a story early next week about H1N1 and how our agents and officers are trained to process potentially ill individuals.

### *Talking Points*

CBP recognizes the importance of our role as the guardian of our nation's borders to assist with the identification of travelers who have communicable diseases and ensure that CDC officials are notified accordingly when ill travelers are encountered.

CBP and the CDC have worked in a collaborative interagency manner to develop policies, procedures, and protocols to identify travelers that are known by US public health officials to have a communicable disease and to handle in a manner that minimizes risk to the public. These procedures have been utilized collaboratively by both agencies on a number of occasions with positive results.

When a traveler or alien is identified with a possible communicable disease or identified from information that is received from the CDC, CBP personnel will take the appropriate safety measures by donning personal protective equipment (PPE), to include gloves and surgical masks, which are readily available for use in the course of their duties.

The traveler may be isolated from other travelers and given a surgical mask to wear. CDC will be notified along with local public health authorities. The public is urged to be mindful of the potential health risks to others and seriously heed the advice of medical professionals if diagnosed with a potentially communicable disease.

## **DHS ANNUAL PERFORMANCE REPORT**

CNS News is planning to run a story as early as this week regarding several CBP issues referenced in the "DHS Annual Performance Report" and "DHS Strategic Plan for 2008 - 2013."

### *Talking Points*

While the DHS Annual Report cites "815 miles of border under effective control," the current number for our FY 2010 target for Border Miles under Effective Control is 894. The U.S. Border Patrol is able to raise its projection for the FY 2010 target for total Border Miles under Effective Control from 815 to 894, based on gains realized midway through FY 2009. Effective control of the borders is established through the proper mix of technology, personnel, and tactical infrastructure that will allow CBP to detect and appropriately resolve illegal cross border activity. The deployment of technology along the Northern and Southern Border is part of a larger border security strategy that will help our frontline officers and agents gain effective control of the nation's borders. Technology in the form of sensors, radar, and day and night cameras will help our agents expand their ability to detect, identify, classify, respond to and resolve illegal cross border activity.

Border Patrol is conservatively projecting its outyear targets by aligning with actual miles already gained. Due to budget reductions, staffing reductions, and slowed delivery schedules for deployment of technology at the border, efforts are focused on ensuring that gains in operational control are maintained, while new efficiencies and partnerships can be leveraged to aim for incremental gains in the coming years. Our current projection for FY 2010 is therefore based upon maintaining the most recent gains that were realized midway through FY 2009. This target will be re-examined after September 30, 2009, when data showing any new gains allow for more accurate projections.

The Air Apprehension Rate performance measure, as described in the DHS Annual Performance Report, is easily



misunderstood and should not be used to make an assessment of our success at stopping terrorists from entering the country. In the air environment, all airline manifest information is captured in the Advance Passenger Information System and air passengers are screened against the major law enforcement databases using the Automated Targeting System prior to their arrival. CBP officials are alerted to all travelers on the terrorist watchlist, including those with outstanding criminal warrants, or criminal histories.

Anyone on the no-fly list is prevented from gaining access to the aircraft until sufficient analysis has been performed and the individual is cleared. If the individual is not cleared, they will not be able to board the aircraft. This occurs for all international, domestic and private flights. TSA maintains the no-fly list. This screening is done prior to arrival at the U.S. port of entry. On arrival, such travelers are intercepted and their cases are handled immediately, removing them from the pool of passengers included in the air apprehension rate measure. This means that virtually all potential terrorists and criminal violators are interdicted in our first layer of enforcement, before the apprehension rate is determined.

(b)(6),(b)(7)(C)

Field Branch Chief  
Office of Public Affairs  
U.S. Customs and Border Protection

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(b)(7)(E)

@dhs.gov

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, September 24, 2009 5:56 PM  
**To:** O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
**Subject:** Re: Information  
(b)(7)(E)

(b)(7)(E)

## DHS ANNUAL PERFORMANCE REPORT

CNS News is planning to run a story as early as this week regarding several CBP issues referenced in the "DHS Annual Performance Report" and "DHS Strategic Plan for 2008 - 2013."

### Talking Points

While the DHS Annual Report cites "815 miles of border under effective control," the current number for our FY 2010 target for Border Miles under Effective Control is 894. The U.S. Border Patrol is able to raise its projection for the FY 2010 target for total Border Miles under Effective Control from 815 to 894, based on gains realized midway through FY 2009. Effective control of the borders is established through the proper mix of technology, personnel, and tactical infrastructure that will allow CBP to detect and appropriately resolve illegal cross border activity. The deployment of technology along the Northern and Southern Border is part of a larger border security strategy that will help our frontline officers and agents gain effective control of the nation's borders. Technology in the form of sensors, radar, and day and night cameras will help our agents expand their ability to detect, identify, classify, respond to and resolve illegal cross border activity.

Border Patrol is conservatively projecting its outyear targets by aligning with actual miles already gained. Due to budget reductions, staffing reductions, and slowed delivery schedules for deployment of technology at the border, efforts are focused on ensuring that gains in operational control are maintained, while new efficiencies and partnerships can be leveraged to aim for incremental gains in the coming years. Our current projection for FY 2010 is therefore based upon maintaining the most recent gains that were realized midway through FY 2009. This target will be re-examined after September 30, 2009, when data showing any new gains allow for more accurate projections.

The Air Apprehension Rate performance measure, as described in the DHS Annual Performance Report, is easily misunderstood and should not be used to make an assessment of our success at stopping terrorists from entering the country. In the air environment, all airline manifest information is captured in the Advance Passenger Information System and air passengers are screened against the major law enforcement databases using the Automated Targeting System prior to their arrival. CBP officials are alerted to all travelers on the terrorist watchlist, including those with outstanding criminal warrants, or criminal histories.

Anyone on the no-fly list is prevented from gaining access to the aircraft until sufficient analysis has been performed and the individual is cleared. If the individual is not cleared, they will not be able to board the aircraft. This occurs for all international, domestic and private flights. TSA maintains the no-fly list. This screening is done prior to arrival at the U.S. port of entry. On arrival, such travelers are intercepted and their cases are handled immediately, removing them from the pool of passengers included in the air apprehension rate measure. This means that virtually all potential terrorists and criminal violators are interdicted in our first layer of enforcement, before the apprehension rate is determined.

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**From:** O'CONNELL, MARIA L.  
**To:** (b)(6),(b)(7)(C)  
**Sent:** Thu Sep 24 17:43:29 2009

2/3/2011

From: (b)(6),(b)(7)(C)

Sent: Friday, September 25, 2009 4:46 PM

To: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C) O'CONNELL, MARIA L.

Cc: (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

Subject: Late Tomorrow's News

(b)(7)(E),(b)(6),(b)(7)(C)

## RAINVILLE FAMILY

Media will cover allegations by the (b)(6),(b)(7)(C) owners of a Vermont dairy farm, who say the construction footprint shows the agency acquiring 8 acres of their land. They claim the government never contacted them. CBP has already sent out "requests for proposal" and consulted the family about a "right of entry for survey" as well as informed about RFP's as recently as June. Negative tone anticipated.

### *Talking Points*

- The government considers landowners to be partners in the port modernization strategy and intends to find the solution which best balances the need for the security and facilitation at our nation's borders with the needs of those who live in border communities.
- Due to the requirements of ARRA, CBP conducts activities associated with construction through an expedited process. Under CBP's streamlined and compressed acquisition schedule developed to meet the goals of ARRA, CBP has released requests for proposal (RFP) several construction projects and is currently involved in the source selection process. CBP plans to award the design/build contractor services in early 2010.
- Although CBP has begun the contractor selection process, we will not begin construction until the government obtains the necessary real estate title or property permissions.
- At this time, CBP is still completing environmental due diligence activities. CBP is ensuring full environmental compliance and will work to mitigate any potential impacts. In accordance with environmental regulations, CBP published draft documents for public review and comment. CBP is also coordinates with the historical preservation offices to ensure appropriate mitigation strategies to protect nationally registered historical artifacts.
- Comments submitted to the U.S. Army Corps of Engineers (USACE) Real Estate specialists representing CBP and through the environmental assessment process are taken consideration in the finalization of site plans. The final design and layout of projects will not be until the design process is complete. After completing all real estate due diligence activities, USACE, on behalf of CBP, will open land acquisition discussions in earnest for any land determined to be acquired, in order to reach an agreement on land valuation issues, offering fair market value for the property.

**From:** (b)(6),(b)(7)(C)  
**Sent:** Thursday, October 01, 2009 4:48 PM  
**To:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) O'CONNELL, MARIA L.; (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) AHERN,  
JAYSON P ( Acting Commissioner); (b)(6),(b)(7)(C)

(b)(6),(b)(7)(C)

**Subject:** Tomorrow's News

## ACLU REPORT ON BORDER DEATHS

*The Associated Press* is expected to move a story about an ACLU report titled "The Silence of Death". The report covers the number of apprehensions, deaths and rescues along the Southwest border and claims that deaths in the borderlands continue to rise while apprehensions fall. Stories are expected to be neutral to negative.

### *Talking Points*

- Apprehensions are on course to be at a low not seen since the 1970's.
- Over the past several years, unscrupulous alien smugglers have moved migrants into more remote areas with hazardous terrain and extreme conditions.
- One of the strategies to improve border safety and security through prevention and awareness efforts is to use media campaigns, both foreign and domestic, to build awareness and warn against the dangers of undocumented migrants illegally entering the United States through harsh terrain and through dangerous environmental conditions.
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2/3/2011



border safety media campaigns continue to be carried out in Mexico and the United States and into Guatemala, El Salvador and the Dominican Republic.

- BSI's focus on search and rescue has expanded the Border Patrol's Border Search, Trauma and Rescue team (BORSTAR) to more than 189 agents nationwide. BORSTAR agents are trained in search and rescue, land navigation, technical rescue techniques and emergency first aid (Emergency Medical Technicians).

## **TRAVEL TO CUBA**

*The USA Today* will run a story about U.S. Citizens traveling to Cuba. The story is expected to be neutral.

### *Talking Points*

- The Department of State (DOS) is responsible for issuing visas. Presentation of a visa allows a person to make application for admission at a U.S. port of entry.
- Customs and Border Protection (CBP) is the responsible agency charged with determining admissibility of aliens at ports of entry.
- These responsibilities are distinct and deliberately designed to ensure a system of checks and balances between the DOS and Department of Homeland Security (DHS).
- Individuals who are required nonimmigrant visas for entry to the U.S. (exceptions are specified in 8 CFR 212.1, 8 CFR 217 and 22 CFR 41.1), must apply for a visa at a U.S. Consulate or Embassy abroad, and undergo adjudication and screening process before the visa is issued.
- Upon arrival at a U.S. port of entry, the applicant will undergo an inspection and determination of admissibility to the U.S. Processing at the port of entry will include screening against law enforcement databases and biometric data collection.

**From:** (b)(6),(b)(7)(C) [mailto:(b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Friday, October 02, 2009 11:54 AM  
**To:** O'CONNELL, MARIA L. (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** RE: Fox news- (b)(6),(b)(7)(C)

(b)(7)(E),(b)(6),(b)(7)(C)

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**From:** O'CONNELL, MARIA L. [mailto:(b)(6),(b)(7)(C)@dhs.gov]  
**Sent:** Friday, October 02, 2009 11:49 AM  
**To:** (b)(6),(b)(7)(C)  
**Cc:** (b)(6),(b)(7)(C)  
**Subject:** FW: Fox news- Mike Levine.

(b)(7)(E),(b)(6),(b)(7)(C)

ML  
Maria Luisa O'Connell  
Assistant Commissioner  
Office of Public Affairs  
U.S. Customs and Border Protection  
Department of Homeland Security  
(b)(7)(E)

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**From:** (b)(6),(b)(7)(C)  
**Sent:** Friday, October 02, 2009 11:16 AM  
**To:** (b)(6),(b)(7)(C) O'CONNELL, MARIA L. (b)(6),(b)(7)(C)  
**Subject:** Fox news- Mike Levine.

AC,  
FNC's Mike Levine is covering a story about Americans who are being recruited to join an Al Qaeda-linked group in Somalia, al-Shabaab. U.S. officials have said time and again that their concern is that these Americans have U.S. passports and could come back to the U.S. – with all their training and paramilitary skills. While this is becoming a bigger story, he is looking at the fact that CBP is really the front-line of defense. Since it is likely that CBP would first interact with these people should they decide to board a plane for the U.S.

Strategy is to talk on background only about admissibility and passport control. Will not directly address the al-Shabaab or a specific country.

TP's:

- CBP strives to treat all travelers with dignity and respect, while maintaining the focus of our mission to protect all citizens and visitors in the United States.
- Each international traveler attempting to enter the United States, including each U.S. citizen, is subject to complete inspection upon each arrival. Individuals may be referred for enhanced screening for a variety of reasons, such as: prior convictions, criminal records for crimes of moral turpitude, inclusion on a national registry for sex offenders, prior immigration or customs violations, or may even be randomly selected.
- No one is allowed to enter the United States until he or she has satisfied the examining officer that he or she is a citizen of the United States, or an alien who has overcome all grounds for inadmissibility. In all cases the applicant bears the burden of proof of admissibility.
- CBP denies entry to hundreds of thousands of individuals each year on various grounds of inadmissibility, some

2/3/2011



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- CBP denies entry to hundreds of thousands of individuals each year on various grounds of inadmissibility, some of which include: criminal activity or history, prohibited activities or intent, improper travel documents, smuggling of contraband or prohibited goods, immigration violations such as prior overstay, attempting to gain entry with fraudulent documents or posing as an imposter, and national security concerns, among others.
- CBP Passport Control Procedures:
  - At 327 Ports of Entry, Customs and Border Protection Officers utilize numerous sources of information to screen US citizens, Legal Permanent Residents and arriving aliens. On average, CBP processes more than 1.1 million travelers a day.
  - CBP inspection procedures are designed to facilitate the entry of U.S. citizens and aliens who can readily establish their admissibility. CBP officers must determine the nationality of each applicant for admission and, if determined to be an alien, whether or not the applicant meets the requirements of the Immigration and Nationality Act for admission to the United States.
  - Arriving persons are screened for eligibility, outstanding criminal warrants and other derogatory information that may preclude them from entering the United States.
  - Speaking with travelers and closely examining their documentation are some of the ways we look for mala fide or improperly documented travelers.

(b)(6),(b)(7)(C)

*Acting Director  
Media Relations Division  
Office of Public Affairs  
U.S. Customs and Border Protection*

(b)(7)(E)

**From:** (b)(6),(b)(7)(C)  
**Sent:** Friday, October 02, 2009 5:56 PM

**To:** (b)(6),(b)(7)(C)  
(b)(6),(b)(7)(C) O'CONNELL, MARIA L. (b)(6),(b)(7)(C)  
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## **SMUGGLING TRENDS**

*The Associated Press* is expected to run a story this weekend about smuggling trends used by both drug and alien smuggling organizations along our borders. The report is expected to be critical of the effects of law enforcement efforts to control smuggling across our borders.

### *Talking Points*

- Smugglers use a variety of methods in an attempt to smuggle contraband, using vehicles, people, commercial goods, etc.
- We encounter attempts by strapping packages on a person's body, under clothing, in purses and luggage, baby strollers, and others. Vehicle gas tanks, tires, trunk compartments, factory voids, non-factory compartments, and others. Mixed with legitimate imports, within the structure of commercial vehicles.
- Smugglers attempt to blend in with legit travel and trade, so they use a variety of methods, ages, ethnicities, travel methods, etc. We don't catch everything, but we do the best we can using a combination of officer knowledge and expertise, technology, canines, and other tools available to us.
- Our mission is to detect and intercept smuggling attempts, with a goal of disrupting smuggling operations and impacting smuggling organizations ability to conduct operations and make it unprofitable to continue.